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**State
Register**

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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

Printing Schedule and Submission Deadlines

Vol. 20 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 9	Monday 28 August	Monday 14 August	Monday 21 August
# 10	Tuesday 5 September	Monday 21 August	Monday 28 August
# 11	Monday 11 September	Monday 28 August	Friday 1 September
# 12	Monday 18 September	Friday 1 September	Monday 11 September

Arne H. Carlson, Governor 612/296-3391	Hubert H. Humphrey III, Attorney General 612/297-4272	Joan Anderson Growe, Secretary of State 612/296-2079
Joanne E. Benson, Lt. Governor 612/296-3391	Judi Dutcher, State Auditor 612/297-3670	Michael A McGrath, State Treasurer 612/296-7091
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An "Affidavit of Publication" can be obtained at a cost of \$5.00 for notices published in the *State Register*. This service includes a notarized "Affidavit of Publication" and a copy of the issue of the *State Register* in which the notice appeared.

To submit notices for publication in the *State Register*, contact the editor listed above. The charge is \$80.00 per page, billed in tenths of a page (columns are seven inches wide). About 2-1/2 pages typed double spaced on 8-1/2"x11" paper equal one typeset page in the *State Register*. Submit two copies of your notice, typed double spaced, with a letter on your letterhead stationery requesting publication date. Send to the *State Register* at the address listed below.

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- *State Register* (published every Monday, or Tuesday if Monday is a holiday) One year subscription: \$150.00
- *Contracts Supplement* (published every Tuesday, Wednesday, Friday) One year subscription: \$125.00 via first class mail, \$140.00 via fax or through our On-Line Service via your computer modem. For a free sample demo of the On-Line Service call via your modem: 612/821-4096. Access item "S": *State Register* Modem parameters 8-N-1 1200/2400. By purchasing the On-Line access you are agreeing to not redistribute without authorization.
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- "Commodity Contract Awards Reports," - lists awards of contracts and bids published in the Tuesday-Wednesday-Friday "*Contracts Supplement*" - published every two weeks, \$5.00 per individual report, plus \$3.00 shipping if applicable. Order stock # 99-42. Six-month subscriptions cost \$75.00. Appears every two weeks. Order stock # 90-14. Available in hard copy format only.
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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions.

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office (612) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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Individual awards can be obtained from the **Materials Management Helpline** 612/296-2600.

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the *State Register*

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Dietetics and Nutrition Practice

Proposed Permanent Rules Relating to Licensure

Notice of Intent to Adopt Rule Amendments Without a Public Hearing

Introduction. The Board of Dietetics and Nutrition Practice (hereinafter 'Board') intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. The proposed rules pertain to the initial requirements for licensure and to fees. You have 30 days to submit written comments on the proposed rules. You may also, within 30 days, submit a written request that a hearing be held on any of the proposed rules, other than those pertaining to fees. A hearing is not required and will not be held on the proposed rules regarding fees. *Minnesota Statutes* 214.06, Subd. 3 (1994).

Board Contact Person. Comments or questions on the rule for a public hearing on the rule must be submitted to:

Laurie Mickelson
Executive Director
Minnesota Board of Dietetics and Nutrition Practice
2700 University Avenue West, Suite 103
St. Paul, MN 55114
(612) 643-2121
FAX (612) 643-3676

Subject of Rule and Statutory Authority. The proposed rules clarify the requirements for initial licensure and fees referred to in *Minnesota Statutes* sections 148.624, 148.625 and 148.627 (1994). Statutory authority to adopt these rules is found in *Minnesota Statutes* sections 148.623 (1) and 214.06, subs. 1, 2, (1994). A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m., on September 28, 1995, to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the board contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules, other than those pertaining to fees. Your request for a public hearing must be in writing and must be received by the board contact person by 4:30 p.m. on September 28, 1995. Your written request for public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rule(s) which caused your request, the reason for the request, and any changes you want made to the proposed rule(s). If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their request in writing. If a public hearing is required, the board will follow the procedures set forth in *Minnesota Statutes*, sections 14.131 to 14.20.

Modifications. The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rules as attached and printed in the *State Register* and must be supported by data and views submitted to the board or presented at the hearing. If a proposed rule affects you in any way, you are encouraged to participate in the rule-making process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the board contact person. This statement describes the need for and the reasonableness of each provision of the proposed rules.

Small Business Considerations. The Board takes the position that *Minnesota Statutes* section 14.115 does not apply to these proposed rules, as they should have no impact on small businesses. The basis for this position is given in the statement of need and reasonableness. In the event that it is determined that the Board is governed by section 14.115, the statement of need and reasonableness also addresses the five methods suggested in subdivision 2 of section 14.115 for reducing the impact of the rules on small businesses.

Expenditure of Public Money by Local Public Bodies. Promulgation of the proposed rules will not result in the expenditure of monies by local bodies. Therefore, no further information need be provided under *Minnesota Statutes*, Section 14.11, subdivision 1.

Impact on Agriculture Lands. Promulgation of the proposed rules will not have an impact on agricultural land. Therefore, no further information need be provided under *Minnesota Statutes*, section 14.11, subdivision 2.

Adoption and Review of Rules. If no hearing is required, after the end of the comment period, the board may adopt the rule. The rule and supporting documents will then be submitted to the Attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to the board contact person listed above.

Dated: 14 August 1995

Laurie Mickelson
Executive Director

Rules as Proposed (all new material)

3250.0010 REQUIREMENTS FOR LICENSURE AS A DIETITIAN.

Subpart 1. Generally. To be eligible for licensure as a dietitian, an applicant must submit a fully completed application on a form provided by the board, along with the applicable fee as provided in part 3250.0050, and meet one of the sets of requirements described in subparts 2 to 4.

Subp. 2. Education and experience. The applicant must provide the board with:

A. an official transcript showing that the applicant has received a baccalaureate or postgraduate degree with a major in dietetics, human nutrition, nutrition education, food and nutrition, or food services management from a United States regionally accredited college or university;

B. documented evidence of having completed a supervised preprofessional practice experience component in nutrition practice of at least 900 hours under the supervision of a registered dietitian, a state licensed nutrition professional, or an individual with a doctoral degree conferred by a United States regionally accredited college or university who has completed a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, or food system management. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtain their doctoral degrees outside the United States and its territories must have their degrees approved by the board as equivalent to the doctoral degree conferred by a United States regionally accredited college or university; and

C. documented evidence of successful completion of the registration examination for dietitians administered by the Commission on Dietetic Registration within five years immediately preceding application for licensure.

Subp. 3. National registration. The applicant must provide a notarized copy of the applicant's current registration card from the Commission on Dietetic Registration demonstrating registration as a dietitian.

Subp. 4. Applicants holding foreign degrees. An applicant with a foreign degree must provide:

A. documented evidence that an evaluating agency preapproved by the board has evaluated the applicant's transcript from a foreign college or university and has deemed the transcript to be equivalent to the transcript required under subpart 2, item A. The documented evidence must be received directly from the evaluating agency by the board;

B. documented evidence of having completed within the last five years a supervised preprofessional experience component in nutrition practice of at least 900 hours under the supervision of a registered dietitian, a state licensed nutrition professional, or an

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

individual with a doctoral degree conferred by a United States regionally accredited college or university who has completed a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, or food system management. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtain their doctoral degrees outside the United States and its territories must have their degrees approved by the board as equivalent to the doctoral degree conferred by a United States regionally accredited college or university; and

C. documented evidence of successful completion of the registration examination administered by the Commission on Dietetic Registration within five years immediately preceding application for licensure.

3250.0020 NUTRITIONIST REQUIREMENTS.

Subpart 1. **Generally.** To be eligible for licensure as a nutritionist, an applicant must submit a fully completed application on a form provided by the board, along with the applicable fee as provided in part 3250.0050, and meet one of the sets of requirements described in subparts 2 to 5.

Subp. 2. **Education and experience.** The applicant must provide the board with:

A. an official transcript showing that the applicant has received a postgraduate degree with a major in human nutrition, public health nutrition, clinical nutrition, nutrition education, community nutrition, or food and nutrition from a United States regionally accredited college or university; and

B. documented evidence of having completed a supervised preprofessional practice experience component in nutrition practice of at least 900 hours under the supervision of a registered dietitian, a state licensed nutrition professional, or an individual with a doctoral degree conferred by a United States regionally accredited college or university who has completed a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, or food system management. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtain their doctoral degrees outside the United States and its territories must have their degrees approved by the board as equivalent to the doctoral degree conferred by a United States regionally accredited college or university.

Subp. 3. **National registration.** The applicant must provide a notarized copy of a current certificate showing the applicant's diplomate status with the American Board of Nutrition.

Subp. 4. **Applicants petitioning for independent review.** The applicant petitioning for independent review must provide the board with:

A. an official transcript showing the applicant's completion of a master's or doctoral degree with a major course of study that includes an emphasis in human nutrition, as described in *Minnesota Statutes*, section 148.624, subdivision 3, paragraph (a); and

B. documented evidence of having completed a supervised preprofessional practice experience component in nutrition practice of at least 900 hours under the supervision of a registered dietitian, a state licensed nutrition professional, or an individual with a doctoral degree conferred by a United States regionally accredited college or university who has completed a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, or food system management. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtain their doctoral degrees outside the United States and its territories must have their degrees approved by the board as equivalent to the doctoral degree conferred by a United States regionally accredited college or university.

Subp. 5. **Applicants holding foreign degrees.** The applicant holding a foreign degree must provide the board with:

A. documented evidence that an evaluating agency, preapproved by the board, has evaluated the applicant's transcript from a foreign college or university and has deemed that transcript to be equivalent to the transcript required under subpart 2, item A. The documented evidence must be received directly from the evaluating agency by the board; and

B. documented evidence of having completed within the last five years a supervised preprofessional experience component in nutrition practice of at least 900 hours under the supervision of a registered dietitian, a state licensed nutrition professional, or an individual with a doctoral degree conferred by a United States regionally accredited college or university who has completed a major course of study in human nutrition, nutrition education, food and nutrition, dietetics, and food system management. Supervised practice experience must be completed in the United States or its territories. Supervisors who obtain their doctoral degrees outside the United States and its territories must have their degrees approved by the board as equivalent to the doctoral degree conferred by a United States regionally accredited college or university.

3250.0030 TRANSITION PERIOD REQUIREMENTS.

Subpart 1. **Dietitian requirements.** To be eligible for licensure as a dietitian for one year from the effective date of this part, in lieu of the requirements in part 3250.0010, an applicant must submit to the board a fully completed application on a form provided by the board, along with the applicable fee as provided in part 3250.0050, and provide:

A. a notarized copy of the applicant's current registration card from the Commission on Dietetic Registration demonstrating

registration as a dietitian or an official transcript from a United States regionally accredited college or university showing the applicant received a bachelor's degree in dietetics, human nutrition, nutrition education, food and nutrition, or food service management; and

B. a letter from an employer or colleague attesting to the applicant's competent practice of dietetics for the equivalent of one year in the last five years.

Subp. 2. **Nutritionist requirements.** To be eligible for licensure as a nutritionist for one year from the effective date of this part, in lieu of the requirements in part 3250.0020, an applicant must submit a fully completed application, on a form provided by the board, along with the applicable fee as provided under part 3250.0050, and provide the board with evidence of meeting one of the sets of requirements described in item A, B, or C:

A. an official transcript from an accredited or approved college or university showing that the applicant has received a master's or doctoral degree with a major in human nutrition, public health nutrition, clinical nutrition, nutrition education, community nutrition, or food and nutrition and a letter from an employer or colleague attesting to the applicant's competent practice of nutrition or dietetics for the equivalent of one year in the last five years;

B. a notarized copy of current certification as a clinical nutritionist from the International and American Association of Clinical Nutritionists and a letter attesting to the applicant's competent practice of clinical nutrition, from a medical doctor with whom the applicant is working; or

C. a notarized copy of the applicant's current certification as a nutrition specialist from the Board of Nutrition Specialists.

3250.0040 INITIAL LICENSING.

The board shall review and grant licenses on a quarterly basis, during the second full week of the months of November, February, May, and August, provided the date is no later than the 15th day of the month.

An application must be received before the first day of the month in which the application will be reviewed by the board.

Licenses granted in November 1995 shall be effective December 1, 1995, through November 30, 1996. Thereafter, a license shall be effective on the date it is approved by the board through the following month of November.

3250.0050 FEE SCHEDULE.

Subpart 1. **Application fees.** Application fees must be submitted along with an application to the board office. The fees are as follows:

- A. nutritionist or dietitian by petition, \$200;
- B. nutritionist, \$175;
- C. dietitian without registration by the Commission on Dietetic Registration, \$175; and
- D. dietitian with registration by the Commission on Dietetic Registration, \$100.

Subp. 2. **Licensing fee.** An initial licensing fee must be submitted along with the application for licensure to the board office. The initial licensing fee is \$150.

Subp. 3. **License renewal fee.** Annual renewal fees are due by November 30 of each year. Renewal requests postmarked after November 30 shall be assessed a late penalty fee. The fees are as follows:

- A. annual renewal, \$150; and
- B. late renewal penalty, \$50.

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Proposed Rules

Department of Labor and Industry

Proposed Permanent Rules Relating to OSHA; Standard Industrial Classifications

NOTICE IS HEREBY GIVEN that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA), proposes the following amendments to the Department of Labor and Industry, Occupational Safety and Health Rules. Statutory authority to adopt these amendments is *Minnesota Statutes* § 182.655.

This notice proposes the adoption of modifications to *Minnesota Rule* 5205.1500 "Standard Industrial Classification List" which lists the standard industrial classifications of employers that must comply with the provisions of *Minnesota Statutes* § 182.653, subdivision 8, also known as "A Workplace Accident and Injury Reduction Act" or "AWAIR". Subdivision 8a of *Minnesota Statutes* § 182.653, required the commissioner to adopt this list of standard industrial classifications and to update the list every two years.

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed. The comment period will close on September 28, 1995.

Any person may file written objections to the proposed amendments stating the grounds for those objections and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* § 182.655 and *Minnesota Rules* 5210.0010 to 5210.0100.

Written comments or requests for hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307.

The following is a brief summary of the proposed changes. The complete text of the proposed revisions follows this summary.

"A Workplace Accident and Injury Reduction Act" (AWAIR) was passed by the Minnesota Legislature during the 1990 session (*Laws of Minnesota*, 1990, Chapter 508). That legislation amended the Occupational Safety and Health Act of 1973 (*Minnesota Statutes* Chapter 182) by adding new subdivisions 8, 8a, and 8b to § 182.653. Subdivision 8 requires each employer to develop a written workplace safety and health program that explains how managers, supervisors and employees are responsible for implementing the program and how the continued participation of management will be established, measured and maintained; the methods used to identify, analyze and control new or existing hazards, conditions, and operations; how the plan will be communicated to all affected employees so that they are informed of work-related hazards and controls; how workplace accidents will be investigated and corrective action implemented; and how safe work practices and rules will be enforced.

Subdivision 8a of § 182.653 requires the Commissioner of Labor and Industry to adopt a list of standard industrial classifications (SICs) of employers who must comply with subdivision 8. The list must be based on the safety record or worker's compensation record of the industries. Employers within the standard industrial classifications on the list must comply with subdivision 8 within six months following the date the SIC that applies to them is placed on the adopted list.

The determination of who must comply with AWAIR is generally based on the primary SIC code for the establishment. However, if a secondary SIC code applicable to the employer is on the list, the employer is required to have an AWAIR program to cover at least that part of the operation which falls within the secondary SIC code. A secondary SIC classification must contribute distinct economic value to the establishment. SIC codes are assigned on the basis of an establishment's primary activity which is determined by its principal product or group of products produced or distributed, or services rendered. The principal product or service is usually determined by its relative share of value to the establishment. Where distinct and separate economic activities are performed at a single physical location (such as construction activities operated out of the same physical location as a lumber yard), each activity is treated as a separate establishment (and assigned a separate SIC code) where: (1) no one SIC classification includes such combined activities; (2) the employment in each economic activity is significant; and (3) separate company records can be prepared on the number of employees, their wages and salaries, sales or receipts, and other types of establishment data.

To meet the mandate of § 182.653, subdivision 8a, the department reviewed Minnesota and national injury and illness statistics. The proposed revisions to the list are based on the "Minnesota Occupational Injuries and Illnesses Survey, 1993" which was conducted by the Minnesota Department of Labor and Industry in cooperation with the Bureau of Labor Statistics (BLS). Because the Minnesota survey did not include injury and illness rates for all industries, national BLS survey data, as reported in the Bureau of Labor Statistics Summary #99-5, "Survey of Occupational Injuries and Illnesses, 1993" was used.

The survey results are reported as occupational injuries and illnesses incidence rates by industry (SIC). For all industries combined, the 1993 Minnesota survey results indicate an injury and illness incidence rate (recordable injuries and illnesses per 100 full-time workers) of 8.6 and a lost workday incidence rate (lost workday cases per 100 full-time workers) of 3.6. These rates reflect the

combined or "average" rates for all reporting industries, including state and local government. Those industries (SICs) with an incidence rate higher than 8.6 or a severity rate higher than 3.6 are considered to have a higher than average rate of injuries and illnesses and, therefore, are required to comply with the AWAIR Act.

The proposed amendments to 5205.1500 include the addition of those industries with an incidence rate at or above 8.6 or a severity rate at or above 3.6 on the 1993 Minnesota survey. Those industries not reported on the Minnesota survey that appear in the 1993 national survey with rates above the Minnesota averages of 8.6 or 3.6 are also added to the list of industries that must comply with AWAIR. Industries on the existing list but whose 1993 rates fell below the 1993 average rates of 8.6 or 3.6 are proposed for deletion from the SIC list. (Attachment A to this notice provides a complete list of the proposed additions and deletions from the current list.) SICs that are not on the proposed list may be added to the list in two years if the incidence or severity rates for the industry go above the Minnesota average rates for that year. Updates to this list will be based on the most current injury and illness data available at the time of the update.

The inclusion of a Standard Industrial Classification Code on the AWAIR list is determined strictly on the basis of BLS reported data for the industry; jurisdictional issues are not considered when adding or deleting an industry from the list. However, Minnesota OSHA does observe jurisdictional boundaries when conducting inspections and will enforce AWAIR only in those areas of an operation that fall within the jurisdiction of Minnesota OSHA. Operations under the sole jurisdiction of another government regulatory agency will not be affected.

Gary W. Bastian
Commissioner

Rules as Proposed

5205.1500 STANDARD INDUSTRIAL CLASSIFICATION LIST.

Employers in the standard industrial classifications listed in this part must comply with *Minnesota Statutes*, section 182.653, subdivision 8. The standard industrial classifications in this part are those defined by the Office of Management and Budget published in the Standard Industrial Classification Manual, 1987 edition.

[For text of items A to D, see M.R.]

E. Fishing, hunting, and trapping:

- (1) 0912, commercial fishing, finfish;
- (2) 0913, commercial fishing, shellfish;
- (3) 0919, commercial fishing, miscellaneous marine products; and
- (4) 0921, fish hatcheries and preserves.

E. Metal mining:

- (1) 1011, iron ores;
- (2) 1021, copper ores;
- (3) 1031, lead and zinc ores;
- (4) 1041, gold ores;
- (5) 1044, silver ores;
- (6) 1061, ferroalloy ores, except vanadium;
- (7) 1081, metal mining services;
- (8) 1094, uranium-radium-vanadium ores; and
- (9) 1099, metal ores, not elsewhere classified.

F-G. Coal mining:

- (1) 1221, bituminous coal and lignite, surface;
- (2) 1222, bituminous coal, underground;

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Proposed Rules

- (3) 1231, anthracite mining; and
- (4) 1241, coal mining services.

~~G~~ H. Oil and gas extraction:

- (1) 1381, drilling oil and gas wells;
- (2) 1382, oil and gas exploration services; and
- (3) 1389, oil and gas field services, not elsewhere classified.

~~H~~ I. Nonmetallic minerals, except fuels:

- (1) 1411, dimension stone;
- (2) 1422, crushed and broken limestone;
- (3) 1423, crushed and broken granite;
- (4) 1429, crushed and broken stone, not elsewhere classified;
- (5) ~~1442, construction sand and gravel;~~
- (~~6~~) ~~1446, industrial sand;~~
- (~~7~~) ~~1455, kaolin and ball clay;~~
- (~~8~~) ~~1459, clay and related minerals, not elsewhere classified;~~
- (~~9~~) ~~1474, potash, soda, and borate minerals;~~
- (~~10~~) ~~1475, phosphate rock;~~
- (~~11~~) ~~1479, chemical and fertilizer mining, not elsewhere classified;~~
- (~~12~~) 1481, nonmetallic minerals services; and
- (~~13~~) (6) 1499, miscellaneous nonmetallic minerals.

~~I~~ J. General building contractors:

- (1) 1521, single-family housing construction;
- (2) 1522, residential construction, not elsewhere classified;
- (3) 1531, operative builders;
- (4) 1541, industrial buildings and warehouses; and
- (5) 1542, nonresidential construction, not elsewhere classified.

~~J~~ K. Heavy construction, except building:

- (1) 1611, highway and street construction;
- (2) 1622, bridge, tunnel, and elevated highway;
- (3) 1623, water, sewer, and utility lines; and
- (4) 1629, heavy construction, not elsewhere classified.

~~K~~ L. Special trade contractors:

- (1) 1711, plumbing, heating, air-conditioning;
- (2) 1721, painting and paper hanging;
- (3) 1731, electrical work;
- (4) 1741, masonry and other stonework;
- (5) 1742, plastering, drywall, and insulation;
- (6) 1743, terrazzo, tile, marble, and mosaic work;
- (7) 1751, carpentry work;
- (8) 1752, floor laying and floor work, not elsewhere classified;
- (9) 1761, roofing, siding, and sheet metal work;
- (10) 1771, concrete work;

- (11) 1781, water well drilling;
- (12) 1791, structural steel erection;
- (13) 1793, glass and glazing work;
- (14) 1794, excavation work;
- (15) 1795, wrecking and demolition work;
- (16) 1796, installing building equipment, not elsewhere classified; and
- (17) 1799, special trade contractors, not elsewhere classified.

L. M. Food and kindred products:

- (1) 2011, meat packing plants;
- (2) 2013, sausages and other prepared meats;
- (3) 2015, poultry slaughtering and processing;
- (4) 2021, creamery butter;
- (5) 2022, cheese, natural and processed;
- (6) 2023, dry, condensed, and evaporated products;
- (7) 2024, ice cream and frozen desserts;
- (8) 2026, fluid milk;
- (9) 2032, canned specialties;
- (10) 2033, canned fruits and vegetables;
- (11) 2034, dehydrated fruits, vegetables, and soups;
- (12) 2035, pickles, sauces, and salad dressings;
- (13) 2037, frozen fruits and vegetables;
- (14) 2038, frozen specialties, not elsewhere classified;
- (15) 2041, flour and other grain mill products;
- ~~(16) 2043, cereal breakfast foods;~~
- ~~(17) 2044, rice milling;~~
- ~~(18) 2045, prepared flour mixes and doughs;~~
- ~~(19) 2046, wet corn milling;~~
- ~~(20) 2047, dog and cat food;~~
- ~~(21) 2048, prepared feeds, not elsewhere classified;~~
- ~~(22) 2051, bread, cake, and related products;~~
- ~~(23) (16) 2052, cookies and crackers;~~
- ~~(24) (17) 2053, frozen bakery products, except bread;~~
- ~~(25) (18) 2061, raw cane sugar;~~
- ~~(26) (19) 2062, cane sugar refining;~~
- ~~(27) (20) 2063, beet sugar;~~
- ~~(28) (21) 2064, candy and other confectionery products;~~
- ~~(29) (22) 2066, chocolate and cocoa products;~~

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Proposed Rules

- ~~(30)~~ (23) 2067, chewing gum;
- ~~(31)~~ (24) 2068, salted and roasted nuts and seeds;
- ~~(32)~~ (25) 2074, cottonseed oil mills;
- ~~(33)~~ (26) 2075, soybean oil mills;
- ~~(34)~~ (27) 2076, vegetable oil mills, not elsewhere classified;
- ~~(35)~~ (28) 2077, animal and marine fats and oils;
- ~~(36)~~ (29) 2079, edible fats and oils, not elsewhere classified;
- ~~(37)~~ (30) 2082, malt beverages;
- ~~(38)~~ (31) 2083, malt;
- ~~(39)~~ (32) 2084, wines, brandy, and brandy spirits;
- ~~(40)~~ (33) 2085, distilled and blended liquors;
- ~~(41)~~ (34) 2086, bottled and canned soft drinks;
- ~~(42)~~ (35) 2087, flavoring extracts and syrups, not elsewhere classified;
- ~~(43)~~ (36) 2091, canned and cured fish and seafoods;
- ~~(44)~~ (37) 2092, fresh or frozen prepared fish;
- ~~(45)~~ (38) 2095, roasted coffee;
- ~~(46)~~ (39) 2096, potato chips and similar snacks;
- ~~(47)~~ (40) 2097, manufactured ice;
- ~~(48)~~ (41) 2098, macaroni and spaghetti; and
- ~~(49)~~ (42) 2099, food preparations, not elsewhere classified.

N. Tobacco products:

- (1) 2131, chewing and smoking tobacco; and
- (2) 2141, tobacco stemming and drying.

M- Q. Textile mill products:

- (1) 2231, broad woven fabric mills, wool;
- (2) 2241, narrow fabric mills;
- (3) 2252, hosiery, not elsewhere classified;
- (4) 2253, knit outerwear mills;
- ~~(2)~~ (5) 2254, knit underwear mills;
- ~~(3)~~ (6) 2257, weft knit fabric mills;
- ~~(4)~~ (7) 2258, lace and warp knit fabric mills;
- ~~(5)~~ (8) 2259, knitting mills, not elsewhere classified;
- ~~(6)~~ (9) 2261, finishing plants, cotton;
- ~~(7)~~ (10) 2262, finishing plants, manmade;
- ~~(8)~~ 2269, finishing plants, not elsewhere classified;
- ~~(9)~~ (11) 2273, carpets and rugs;
- ~~(10)~~ (12) 2281, yarn spinning mills;
- ~~(11)~~ (13) 2282, throwing and winding mills;
- ~~(12)~~ (14) 2284, thread mills;
- ~~(13)~~ (15) 2295, coated fabrics, not rubberized;
- ~~(14)~~ (16) 2296, tire cord and fabrics;
- ~~(15)~~ 2297, nonwoven fabrics;

- ~~(16)~~ (17) 2298, cordage and twine; and
~~(17)~~ (18) 2299, textile goods, not elsewhere classified.

N. P. Apparel and other textile products:

- (1) ~~2311, men's and boys' suits and coats;~~
~~(2)~~ 2321, men's and boys' shirts;
~~(3)~~ (2) 2322, men's and boys' underwear and nightwear;
~~(4)~~ (3) 2323, men's and boys' neckwear;
~~(5)~~ (4) 2325, men's and boys' trousers and slacks;
~~(6)~~ (5) 2326, men's and boys' work clothing;
~~(7)~~ (6) 2329, men's and boys' clothing, not elsewhere classified;
~~(8)~~ (7) 2353, hats, caps, and millinery;
~~(9)~~ (8) 2369, girls' and children's outerwear, not elsewhere classified;
(9) 2371, fur goods;
(10) 2385, waterproof outerwear;
(11) ~~2389, apparel and accessories, not elsewhere classified;~~
~~(12)~~ 2391, curtains and draperies;
~~(13)~~ (12) 2392, house furnishings, not elsewhere classified;
~~(14)~~ (13) 2393, textile bags;
~~(15)~~ (14) 2394, canvas and related products;
~~(16)~~ ~~2395, pleating and stitching;~~
~~(17)~~ (15) 2396, automotive and apparel trimmings;
~~(18)~~ (16) 2397, Schiffli machine embroideries; and
~~(19)~~ (17) 2399, fabricated textile products, not elsewhere classified.

O. Q. Lumber and wood products:

- (1) 2411, logging;
(2) 2421, sawmills and planing mills, general;
(3) 2426, hardwood dimension and flooring mills;
(4) 2429, special product sawmills, not elsewhere classified;
(5) 2431, millwork;
(6) 2434, wood kitchen cabinets;
(7) 2435, hardwood veneer and plywood;
(8) 2436, softwood veneer and plywood;
(9) 2439, structural wood members, not elsewhere classified;
(10) 2441, nailed wood boxes and shooks;
(11) 2448, wood pallets and skids;
(12) 2449, wood containers, not elsewhere classified;
(13) 2451, mobile homes;

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- (14) 2452, prefabricated wood buildings;
- (15) 2491, wood preserving;
- (16) 2493, reconstituted wood products; and
- (17) 2499, wood products, not elsewhere classified.

P. R. Furniture and fixtures:

- (1) 2511, wood household furniture;
- (2) 2512, upholstered household furniture;
- (3) 2514, metal household furniture;
- (4) 2515, mattresses and bedsprings;
- (5) 2517, wood television and radio cabinets;
- (6) 2519, household furniture, not elsewhere classified;
- (7) 2521, wood office furniture;
- (8) 2522, office furniture, except wood;
- (9) 2531, public building and related furniture;
- (10) 2541, wood partitions and fixtures;
- (11) 2542, partitions and fixtures, except wood;
- (12) 2591, drapery hardware and blinds and shades; and
- (13) 2599, furniture and fixtures, not elsewhere classified.

Q. S. Paper and allied products:

- (1) 2611, pulp mills;
- (2) 2621, paper mills;
- (3) 2631, paperboard mills;
- (4) 2652, setup paperboard boxes;
- (5) 2653, corrugated and solid fiber boxes;
- (6) 2655, fiber cans, drums, and similar products;
- (7) 2656, sanitary food containers;
- (8) 2657, folding paperboard boxes;
- (9) 2671, paper coated and laminated, packaging;
- (10) 2672, paper coated and laminated, not elsewhere classified;
- (11) 2673, bags: plastics, laminated, and coated;
- (12) 2674, bags: uncoated paper and multiwall;
- (13) 2675, die-cut paper and board;
- (14) 2676, sanitary paper products;
- (15) 2677, envelopes;
- (16) 2678, stationery products; and
- (17) 2679, converted paper products, not elsewhere classified.

R. T. Printing and publishing:

- (1) 2711, newspapers;
- (2) 2721, periodicals;
- (3) 2731, book publishing;
- (4) 2732, book printing;
- (5) 2741, miscellaneous publishing;

- (6) 2752, commercial printing, lithographic;
- (7) 2754, commercial printing, gravure; and
- ~~(8)~~ 2759, commercial printing, not elsewhere classified;
- (9) 2761, manifold business forms;
- (10) 2771, greeting cards;
- (11) 2782, blankbooks and looseleaf binders;
- (12) 2789, bookbinding and related work;
- (13) 2791, typesetting; and
- (14) 2796, platemaking services.

S. Chemicals and allied products:

- (1) 2812, alkalis and chlorine;
- (2) 2813, industrial gases;
- (3) 2816, inorganic pigments;
- (4) 2819, industrial inorganic chemicals, not elsewhere classified;
- (5) 2821, plastic materials and resins;
- (6) 2822, synthetic rubber;
- (7) 2823, cellulosic manmade fibers;
- (8) 2824, organic fibers, noncellulosic;
- (9) 2833, medicinals and botanicals;
- (10) 2834, pharmaceutical preparations;
- (11) 2835, diagnostic substances;
- (12) 2836, biological products except diagnostic;
- (13) 2841, soap and other detergents;
- (14) 2842, polishes and sanitation goods;
- (15) 2843, surface active agents;
- (16) 2844, toilet preparations;
- (17) 2851, paints and allied products;
- (18) 2861, gum and wood chemicals;
- (19) 2865, cyclic erudes and intermediates;
- (20) 2869, industrial organic chemicals, not elsewhere classified;
- (21) 2873, nitrogenous fertilizers;
- (22) 2874, phosphatic fertilizers;
- (23) 2875, fertilizers, mixing only;
- (24) 2879, agricultural chemicals, not elsewhere classified;
- (25) 2891, adhesives and sealants;
- (26) 2892, explosives;
- (27) 2893, printing ink;

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Proposed Rules

~~(28) 2895, carbon black; and~~

~~(29) 2899, chemical preparations, not elsewhere classified.~~

~~T. U.~~ P. Petroleum and coal products:

- (1) 2951, asphalt paving mixtures and blocks;
- (2) 2952, asphalt felts and coatings;
- (3) 2992, lubricating oils and greases; and
- (4) 2999, petroleum and coal products, not elsewhere classified.

~~U. V.~~ R. Rubber and miscellaneous plastics products:

- (1) 3011, tires and inner tubes;
- (2) 3021, rubber and plastics footwear;
- (3) 3052, rubber and plastics hose and belting;
- (4) 3053, gaskets, packing, and sealing devices;
- (5) 3061, mechanical rubber goods;
- (6) 3069, fabricated rubber products, not elsewhere classified;
- (7) 3081, unsupported plastics film and sheet;
- (8) 3082, unsupported plastics profile shapes;
- (9) 3083, laminated plastics plate and sheet;
- (10) 3084, plastics pipe;
- (11) 3085, plastics bottles;
- (12) 3086, plastics foam products;
- (13) 3087, custom compound purchased resins;
- (14) 3088, plastics plumbing fixtures; and
- (15) 3089, plastics products, not elsewhere classified.

~~V. W.~~ L. Leather and leather products:

- (1) 3111, leather tanning and finishing;
- (2) 3131, footwear cut stock;
- (3) 3142, house slippers;
- (4) 3143, men's footwear, except athletic;
- (5) 3144, women's footwear, except athletic;
- (6) 3149, footwear, except rubber, not elsewhere classified;
- (7) 3151, leather gloves and mittens;
- (8) 3161, luggage;
- (9) ~~3171, women's handbags and purses;~~
- ~~(10)~~ 3172, personal leather goods, not elsewhere classified; and
- ~~(11)~~ (10) 3199, leather goods, not elsewhere classified.

~~W. X.~~ S. Stone, clay, and glass products:

- (1) 3211, flat glass;
- (2) 3221, glass containers;
- (3) 3229, pressed and blown glass, not elsewhere classified;
- (4) 3231, products of purchased glass;
- (5) 3241, cement, hydraulic;
- (6) 3251, brick and structural clay tile;

- (7) 3253, ceramic wall and floor tile;
- (8) 3255, clay refractories;
- (9) 3259, structural clay products, not elsewhere classified;
- (10) 3261, vitreous plumbing fixtures;
- (11) 3262, vitreous china table and kitchenware;
- (12) 3263, semivitreous table and kitchenware;
- (13) 3264, porcelain electrical supplies;
- (14) 3269, pottery products, not elsewhere classified;
- (15) 3271, concrete block and brick;
- (16) 3272, concrete products, not elsewhere classified;
- (17) 3273, ready-mixed concrete;
- (18) 3274, lime;
- (19) 3275, gypsum products;
- (20) 3281, cut stone and stone products;
- (21) 3291, abrasive products;
- (22) 3292, asbestos products;
- (23) 3295, minerals, ground or treated;
- (24) 3296, mineral wool;
- (25) 3297, nonclay refractories; and
- (26) 3299, nonmetallic mineral products, not elsewhere classified.

~~X~~ Y. Primary metal industries:

- (1) 3312, blast furnaces and steel mills;
- (2) 3313, electrometallurgical products;
- (3) 3315, steel wire and related products;
- (4) 3316, cold finishing of steel shapes;
- (5) 3317, steel pipe and tubes;
- (6) 3321, gray and ductile iron foundries;
- (7) 3322, malleable iron foundries;
- (8) 3324, steel investment foundries;
- (9) 3325, steel foundries, not elsewhere classified;
- (10) 3331, primary copper;
- (11) 3334, primary aluminum;
- (12) 3399, primary nonferrous metals, not elsewhere classified;
- (13) 3341, secondary nonferrous metals;
- (14) 3351, copper rolling and drawing;
- (15) 3353, aluminum sheet, plate, and foil;
- (16) 3354, aluminum extruded products;

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Proposed Rules

- (17) 3355, aluminum rolling and drawing, not elsewhere classified;
- (18) 3356, nonferrous rolling and drawing, not elsewhere classified;
- (19) 3357, nonferrous wiredrawing and insulating;
- (20) 3363, aluminum die castings;
- (21) 3364, nonferrous die casting except aluminum;
- (22) 3365, aluminum foundries;
- (23) 3366, copper foundries;
- (24) 3369, nonferrous foundries, not elsewhere classified;
- (25) 3398, metal heat treating; and
- (26) 3399, primary metal products, not elsewhere classified.

~~Y~~. Z. Fabricated metal products:

- (1) 3411, metal cans;
- (2) 3412, metal barrels, drums, and pails;
- (3) 3421, cutlery;
- (4) 3423, hand and edge tools, not elsewhere classified;
- (5) 3425, saw blades and handsaws;
- (6) 3429, hardware, not elsewhere classified;
- (7) 3431, metal sanitary ware;
- (8) 3432, plumbing fixture fittings and trim;
- (9) 3433, heating equipment, except electric;
- (10) 3441, fabricated structural metal;
- (11) 3442, metal doors, sash, and trim;
- (12) 3443, fabricated plate work (boiler shops);
- (13) 3444, sheet metal work;
- (14) 3446, architectural metal work;
- (15) 3448, prefabricated metal buildings;
- (16) 3449, miscellaneous metal work;
- (17) 3451, screw machine products;
- (18) 3452, bolts, nuts, rivets, and washers;
- (19) 3462, iron and steel forgings;
- (20) 3463, nonferrous forgings;
- (21) 3465, automotive stampings;
- (22) 3466, crowns and closures;
- (23) 3469, metal stampings, not elsewhere classified;
- (24) 3471, plating and polishing;
- (25) 3479, metal coating and allied services;
- (26) 3482, small arms ammunition;
- (27) 3483, ammunition, except small arms, not elsewhere classified;
- (28) 3484, small arms;
- (29) 3489, ordnance and accessories, not elsewhere classified;
- (30) 3491, industrial valves;
- (31) 3492, fluid power valves and hose fittings;

- (32) 3493, steel springs, except wire;
- (33) 3494, valves and pipe fittings, not elsewhere classified;
- (34) 3495, wire springs;
- (35) 3496, miscellaneous fabricated wire products;
- (36) 3497, metal foil and leaf;
- (37) 3498, fabricated pipe and fittings; and
- (38) 3499, fabricated metal products, not elsewhere classified.

~~Z.~~ AA. Industrial machinery and equipment:

- (1) 3511, turbines and turbine generator sets;
- (2) 3519, internal combustion engines not elsewhere classified;
- (3) 3523, farm machinery and equipment;
- (~~2~~) (4) 3524, lawn and garden equipment;
- (~~3~~) (~~5~~) 3531, construction machinery;
- (~~4~~) (~~6~~) 3532, mining machinery;
- (~~5~~) (~~7~~) 3533, oil and gas field machinery;
- (~~6~~) (~~8~~) 3534, elevators and moving stairways;
- (~~7~~) (~~9~~) 3535, conveyors and conveying equipment;
- (~~8~~) (~~10~~) 3536, hoists, cranes, and monorails;
- (~~9~~) (~~11~~) 3537, industrial trucks and tractors;
- (12) 3541, machine tools, metal cutting types;
- (~~10~~) (~~13~~) 3542, machine tools, metal forming types;
- (~~11~~) (~~14~~) 3543, industrial patterns;
- (~~12~~) (~~15~~) 3544, special dies, tools, jigs, and fixtures;
- (~~13~~) (~~16~~) 3545, machine tool accessories;
- (17) 3546, power-driven hand tools;
- (~~14~~) (~~18~~) 3547, rolling mill machinery;
- (~~15~~) (~~19~~) 3548, welding apparatus;
- (~~16~~) (~~20~~) 3549, metalworking machinery, not elsewhere classified;
- (~~17~~) (~~21~~) 3552, textile machinery;
- (~~18~~) (~~22~~) 3553, woodworking machinery;
- (~~19~~) (~~23~~) 3554, paper industries machinery;
- (~~20~~) (~~24~~) 3555, printing trades machinery;
- (~~21~~) (~~25~~) 3556, food products machinery;
- (~~22~~) (~~26~~) 3559, special industry machinery, not elsewhere classified;
- (~~23~~) (~~27~~) 3561, pumps and pumping equipment;
- (~~24~~) (~~28~~) 3562, ball and roller bearings;
- (~~25~~) (~~29~~) 3563, air and gas compressors;

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Proposed Rules

- ~~(26)~~ (30) 3564, blowers and fans;
- ~~(27)~~ (31) 3565, packaging machinery;
- ~~(28)~~ (32) 3566, speed changers, drives, and gears;
- ~~(29)~~ (33) 3567, industrial furnaces and ovens;
- ~~(30)~~ (34) 3568, power transmission equipment, not elsewhere classified;
- ~~(31)~~ (35) 3569, general industrial machinery, not elsewhere classified;
- ~~(32)~~ (36) 3581, automatic vending machines;
- ~~(33)~~ (37) 3582, commercial laundry equipment;
- ~~(34)~~ (38) 3585, refrigeration and heating equipment;
- ~~(35)~~ (39) 3586, measuring and dispensing pumps;
- ~~(36)~~ (40) 3589, service industry machinery, not elsewhere classified;
- ~~(37)~~ (41) 3592, carburetors, pistons, rings, and valves;
- ~~(38)~~ (42) 3593, fluid power cylinders and actuators;
- ~~(39)~~ (43) 3594, fluid power pumps and motors
- ~~(40)~~ (44) 3596, scales and balances, except laboratory; and
- ~~(41)~~ (45) 3599, industrial machinery, not elsewhere classified.

~~AA.~~ BB. Electronic and other electric equipment:

- (1) 3612, transformers, except electronic;
- (2) 3613, switchgear and switchboard apparatus;
- ~~(3) 3621, motors and generators;~~
- ~~(4) 3624, carbon and graphite products;~~
- ~~(5) 3625, relays and industrial controls;~~
- ~~(6) 3629, electrical industrial apparatus, not elsewhere classified;~~
- ~~(7) 3631, household cooking equipment;~~
- ~~(8)~~ (4) 3632, household refrigerators and freezers;
- ~~(9)~~ (5) 3633, household laundry equipment;
- ~~(10)~~ (6) 3634, electric housewares and fans;
- ~~(11)~~ (7) 3635, household vacuum cleaners;
- ~~(12)~~ (8) 3639, household appliances, not elsewhere classified;
- ~~(13)~~ (9) 3641, electric lamps;
- ~~(14)~~ (10) 3643, current-carrying wiring devices;
- ~~(15)~~ (11) 3644, non-current-carrying wiring devices;
- ~~(16)~~ (12) 3645, residential lighting fixtures;
- ~~(17)~~ (13) 3646, commercial lighting fixtures;
- ~~(18)~~ (14) 3647, vehicular lighting equipment;
- ~~(19)~~ (15) 3648, lighting equipment, not elsewhere classified;
- ~~(20)~~ (16) 3651, household audio and video equipment;
- ~~(21)~~ (17) 3652, prerecorded records and tapes;
- ~~(22) 3661, telephone and telegraph apparatus;~~
- ~~(23) 3663, radio and television communications equipment;~~
- ~~(24) 3669, communications equipment, not elsewhere classified;~~
- ~~(25)~~ (18) 3671, electron tubes;

- ~~(26)~~ 3672, printed circuit boards;
- ~~(27)~~ (19) 3674, semiconductors and related devices;
- ~~(28)~~ (20) 3675, electronic capacitors;
- ~~(29)~~ (21) 3676, electronic resistors;
- ~~(30)~~ (22) 3677, electronic coils and transformers;
- ~~(31)~~ (23) 3678, electronic connectors;
- ~~(32)~~ (24) 3679, electronic components, not elsewhere classified;
- ~~(33)~~ (25) 3691, storage batteries;
- ~~(34)~~ (26) 3692, primary batteries, dry and wet;
- ~~(35)~~ (27) 3694, engine electrical equipment;
- ~~(36)~~ (28) 3695, magnetic and optical recording media; and
- ~~(37)~~ (29) 3699, electrical equipment and supplies, not elsewhere classified.

BB. CC. Transportation equipment:

- (1) 3711, motor vehicles and car bodies;
- (2) 3713, truck and bus bodies;
- (3) 3714, motor vehicle parts and accessories;
- (4) 3715, truck trailers;
- (5) 3716, motor homes;
- (6) 3721, aircraft;
- (7) 3724, aircraft engines and engine parts;
- (8) 3728, aircraft parts and equipment, not elsewhere classified;
- (9) 3731, ship building and repairing;
- (10) 3732, boat building and repairing;
- (11) 3743, railroad equipment;
- (12) 3751, motorcycles, bicycles, and parts;
- (13) 3761, guided missiles and space vehicles;
- (14) 3764, space propulsion units and parts;
- (15) 3769, space vehicle equipment, not elsewhere classified;
- (16) 3792, travel trailers and campers;
- (17) 3795, tanks and tank components; and
- (18) 3799, transportation equipment, not elsewhere classified.

DD. Instruments and related products:

- (1) 3821, laboratory apparatus and furniture;
- (2) 3822, environmental controls;
- (3) 3823, process control instruments;
- (4) 3824, fluid meters and counting devices;
- (5) 3825, instruments to measure electricity;

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Proposed Rules

(6) 3826, analytical instruments:

(7) 3827, optical instruments and lenses; and

(8) 3829, measuring and controlling devices, not elsewhere classified.

EE. EE. Miscellaneous manufacturing industries:

(1) 3911, jewelry, precious metal;

(2) 3914, silverware and plated ware;

(3) 3915, jewelers' materials and lapidary work;

(4) 3931, musical instruments;

(5) 3942, dolls and stuffed toys;

(6) 3944, games, toys, and children's vehicles;

(7) 3949, sporting and athletic goods, not elsewhere classified;

(8) 3951, pens and mechanical pencils;

(9) 3952, lead pencils and art goods;

(10) 3953, marking devices;

(11) 3955, carbon paper and inked ribbons;

(12) 3961, costume jewelry;

(13) 3965, fasteners, buttons, needles, and pins;

(14) 3991, brooms and brushes;

(15) 3993, signs and advertising specialties;

(16) 3995, burial caskets;

(17) 3996, hard surface floor coverings, not elsewhere classified; and

(18) 3999, manufacturing industries, not elsewhere classified.

FE. FE. Local and interurban passenger transit:

(1) 4111, local and suburban transit:

(2) 4119, local passenger transportation, not elsewhere classified:

(3) 4121, taxicabs:

(4) 4131, intercity and rural bus transportation:

(5) 4141, local bus charter service:

(6) 4142, bus charter service, except local:

(7) 4151, school buses; and

(8) 4173, bus terminal and service facilities.

GD. GG. Trucking and warehousing:

(1) 4212, local trucking without storage;

(2) 4213, trucking, except local;

(3) 4214, local trucking with storage;

(4) 4215, courier services, except by air;

(5) 4221, farm product warehousing and storage;

(6) 4222, refrigerated warehousing and storage;

(7) 4225, general warehousing and storage;

(8) 4226, special warehousing and storage, not elsewhere classified; and

(9) 4231, trucking terminal facilities.

HE. HH. Water transportation:

- (1) 4432, freight transportation on the Great Lakes;
- (2) 4449, water transportation of freight, not elsewhere classified;
- (3) ~~4482, ferries;~~
- (4) ~~4489, water passenger transportation, not elsewhere classified;~~
- (5) ~~4491, marine cargo handling;~~
- (6) 4 4492, towing and tugboat service;
- (7) 5 4493, marinas; and
- (8) 6 4499, water transportation services, not elsewhere classified.

~~FF.~~ II. Transportation by air:

- (1) 4512, air transportation, scheduled;
- (2) 4513, air courier services; ~~and~~
- (3) 4522, air transportation, nonscheduled; and
- (4) 4581, airports, flying fields, and services.

~~GG.~~ II. Electric, gas, and sanitary services:

- (1) 4911, electric services;
- (2) 4922, natural gas transmission;
- (3) 4923, gas transmission and distribution;
- (4) 4924, natural gas distribution;
- (5) 4925, gas production and/or distribution;
- (6) 4931, electric and other services combined;
- (7) 4932, gas and other services combined;
- (8) 4939, combination utilities, not elsewhere classified;
- (9) 4941, water supply;
- (10) 4952, sewerage systems;
- (11) 4953, refuse systems;
- (12) 4959, sanitary services, not elsewhere classified;
- (13) 4961, steam and air-conditioning supply; and
- (14) 4971, irrigation systems.

~~HH.~~ KK. Wholesale trade, durable goods:

- (1) 5012, automobiles and other motor vehicles;
- (2) 5013, motor vehicle supplies and new parts;
- (3) 5014, tires and tubes;
- (4) 5015, motor vehicle parts, used;
- (5) ~~5031, lumber, plywood, and millwork;~~
- (6) ~~5032, brick, stone, and related materials;~~
- (7) ~~5033, roofing, siding, and insulation; and~~
- (8) ~~5039, construction materials, not elsewhere classified.~~ 5091, sporting and recreational goods;

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Proposed Rules

- (6) 5092, toys and hobby goods and supplies;
- (7) 5093, scrap and waste materials;
- (8) 5094, jewelry and precious stones; and
- (9) 5099, durable goods, not elsewhere classified.

H. LL. Wholesale trade, nondurable goods:

- (1) 5111, printing and writing paper;
- (2) 5112, stationery and office supplies;
- (3) 5113, industrial and personal service paper;
- (4) 5122, drugs, proprietaries, and sundries;
- (5) 5131, piece goods and notions;
- (6) 5136, men's and boys' clothing;
- (7) 5137, women's and children's clothing;
- (8) 5139, footwear;
- (9) 5141, groceries, general line;
- (10) 5142, packaged frozen foods;
- (11) 5143, dairy products, except dried or canned;
- (12) 5144, poultry and poultry products;
- (13) 5145, confectionery;
- (14) 5146, fish and seafoods;
- (15) 5147, meats and meat products;
- (16) 5148, fresh fruits and vegetables;
- (17) 5149, groceries and related products, not elsewhere classified;
- (18) 5153, grain and field beans;
- (19) 5154, livestock;
- (20) 5159, farm-product raw materials, not elsewhere classified;
- (21) 5162, plastics materials and basic shapes;
- ~~(19)~~ (22) 5169, chemicals and allied products, not elsewhere classified;
- ~~(20)~~ (23) 5171, petroleum bulk stations and terminals;
- ~~(21)~~ (24) 5172, petroleum products, not elsewhere classified;
- ~~(22)~~ (25) 5181, beer and ale; and
- ~~(23)~~ (26) 5182, wine and distilled beverages;
- ~~(24)~~ 5191, farm supplies;
- ~~(25)~~ 5192, books, periodicals, and newspapers;
- ~~(26)~~ 5193, flowers and florists' supplies;
- ~~(27)~~ 5194, tobacco and tobacco products;
- ~~(28)~~ 5198, paints, varnishes, and supplies; and
- ~~(29)~~ 5199, nondurable goods, not elsewhere classified.

H. MM. Building materials and garden supplies:

- (1) 5211, lumber and other building materials;
- (2) 5231, paint, glass, and wallpaper stores;
- (3) 5251, hardware stores;
- (4) 5261, retail nurseries and garden stores; and

~~(5)~~ 5271, mobile home dealers.

~~KK.~~ NN. General merchandise stores:

- (1) 5311, department stores;
- (2) 5331, variety stores; and
- (3) 5399, miscellaneous general merchandise stores.

~~LL.~~ OO. Food stores:

- (1) 5411, grocery stores;
- (2) 5421, meat and fish markets;
- (3) 5431, fruit and vegetable markets;
- (4) 5441, candy, nut, and confectionery stores;
- (5) 5451, dairy products stores;
- (6) 5461, retail bakeries; and
- (7) 5499, miscellaneous food stores.

PP. Automotive dealers and service stations: 5511, new and used car dealers.

QQ. Furniture and home furnishings stores:

- (1) 5712, furniture stores;
- (2) 5713, floor covering stores;
- (3) 5714, drapery and upholstery stores; and
- (4) 5719, miscellaneous home furnishings stores.

RR. Eating and drinking places:

- (1) 5812, eating places, and
- (2) 5813, drinking places.

~~MM.~~ SS. Hotels and other lodging places:

- (1) 7011, hotels and motels;
- (2) 7021, rooming and boarding houses;
- (3) 7032, sporting and recreational camps;
- (4) 7033, trailer parks and campsites; and
- (5) 7041, membership-basis organization hotels.

~~NN.~~ TT. Miscellaneous repair services:

- (1) 7622, radio and television repair;
- (2) 7623, refrigeration service and repair;
- (3) 7629, electrical repair shops, not elsewhere classified;
- (4) 7631, watch, clock, and jewelry repair;
- (5) 7641, reupholstery and furniture repair;
- (6) 7692, welding repair;
- (7) (2) 7694, armature rewinding shops; and
- (8) (3) 7699, repair services, not elsewhere classified.

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Proposed Rules

UU. Amusement and recreation services:

- (1) 7911, dance studios, schools, and halls;
- (2) 7922, theatrical producers and services;
- (3) 7929, entertainers and entertainment groups;
- (4) 7933, bowling centers;
- (5) 7941, sports clubs, managers, and promoters;
- (6) 7948, racing, including track operations;
- (7) 7991, physical fitness facilities;
- (8) 7992, public golf courses;
- (9) 7993, coin-operated amusement devices;
- (10) 7996, amusement parks;
- (11) 7997, membership sports and recreation clubs;
- (12) 7999, amusement and recreation, not elsewhere classified.

~~OO.~~ VV. Health services:

- (1) 8011, offices and clinics of medical doctors;
- (2) 8021, offices and clinics of dentists;
- (3) 8031, offices and clinics of osteopathic physicians;
- (4) 8041, offices and clinics of chiropractors;
- (5) 8042, offices and clinics of optometrists;
- (6) 8043, offices and clinics of podiatrists;
- (7) 8049, offices of health practitioners, not elsewhere classified;
- (8) 8051, skilled nursing care facilities;
- (~~9~~) (9) 8052, intermediate care facilities;
- (~~10~~) (10) 8059, nursing and personal care, not elsewhere classified;
- (~~11~~) (11) 8062, general medical and surgical hospitals;
- (~~12~~) (12) 8063, psychiatric hospitals; and
- (~~13~~) (13) 8069, specialty hospitals, except psychiatric;
- (14) 8071, medical laboratories;
- (15) 8072, dental laboratories; and
- (16) 8082, home health care services.

WW. Museums, and botanical and zoological gardens:

- (1) 8412, museums and art galleries; and
- (2) 8422, botanical and zoological gardens.

~~PP.~~ XX. Executive, legislative, and general:

- (1) 9111, executive offices;
- (2) 9121, legislative bodies;
- (3) 9131, executive and legislative combined; and
- (4) 9199, general government, not elsewhere classified.

~~QQ.~~ Justice, public order, and safety:

- (~~1~~) (1) 9211, courts;
- (~~2~~) (2) 9221, police protection;
- (~~3~~) (3) 9222, legal counsel and prosecution;

- (4) 9223, correctional institutions;
- (5) 9224, fire protection; and
- (6) 9229, public order and safety, not elsewhere classified.

Pollution Control Agency

Proposed Permanent Rules Relating to Tank Systems

Notice of Intent to Adopt a Rule Amendment Without a Public Hearing

The Minnesota Pollution Control Agency (MPCA) intends to amend a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* §§ 14.22 to 14.28. You have 30 days to submit written comments on the proposed rule and may also submit a written request that a public hearing be held on the rule.

MPCA Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Jeannie Blatz
Hazardous Waste Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Telephone: (612) 297-8335
Facsimile: (612) 297-8676

Subject of Rule and Statutory Authority. The proposed rule corrects the beryllium powder listing (P015), adds chlorophenolic chemicals to the chemical constituent list and updates the testing and monitoring references. The statutory authority to adopt this rule is contained in *Minnesota Statutes* §§ 116.07. A copy of the proposed rule is published immediately after this notice.

Comments. You have until 4:30 p.m., Friday September 29, 1995, to submit written comment in support of or in opposition to the proposed rule and any part or subpart of the rule. Your comment must be in writing and received by the MPCA contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the MPCA contact person by 4:30 p.m. on Friday, September 29, 1995. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the MPCA will follow the procedures in *Minnesota Statutes* §§ 14.131 to 14.20.

Request to Appear Before MPCA's Board. The MPCA's Commissioner is proposing to adopt this rule under a delegation of authority from the MPCA Board. In addition to submitting comments and/or a hearing request, you may also request to appear before the MPCA Board prior to adoption of this rule. Your request to appear before the MPCA Board must be in writing and must be received by the MPCA contact person by 4:30 p.m. on Friday, September 29, 1995. Your written request must include your name and address. If no one requests an appearance before the MPCA Board and a public hearing is not required, then the Commissioner of the MPCA will make the final decision on this rule as allowed by a delegation from the MPCA Board.

Modifications. The proposed rule may be modified as a result of public comment. The modifications must be supported by data and views submitted to the MPCA and may not result in a substantial change in the proposed rule as printed immediately after this notice. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

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Proposed Rules

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the MPCA contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

Small Business Considerations. *Minnesota Statutes* §§ 14.115, subd. 4 requires that the notice of rulemaking include a statement of the impact of this proposed rule on small business. MPCA staff do not believe that the amendments that update the hazardous waste testing requirements, and modify the beryllium listing will have an adverse effect on small business. Instead, these proposed amendments are likely to aid small business by providing clear reference paths to reference information and correct chemical names. The listing of the chlorophenolic constituents could potentially affect small business but is warranted because of the risk posed by wastes containing these chlorophenolic constituents. Adding these constituents to the hazardous waste constituent list is expected to have limited effect on business since chlorophenolic wood producing compounds are no longer being manufactured and suitable alternative formulations exist.

Expenditures of Public Money by Local Public Bodies. *Minnesota Statutes* § 14.11, subd. 1, requires the MPCA to include a statement of the rule's estimated costs to local public bodies in this notice if the rule would have a total cost of over \$100,000 to all local public bodies in the state in either of the two years following adoption of the rule. This does not apply since the rule amendments will not increase costs to local public bodies.

Impact on Agricultural Lands. *Minnesota Statutes* § 14.11, subd. 2, requires that if the rule would have a direct and substantial adverse impact upon agricultural lands in the state, the MPCA shall comply with specified additional requirements. This does not apply since the rule amendments do not impact agricultural land.

Economic Factors. *Minnesota Statutes* § 116.07, subd. 6, requires the MPCA to give due consideration to economic factors in exercising its powers. Most of the amendments proposed here concern corrections or minor modifications, consequently MPCA staff do not believe these amendments will have any significant economic impact. However, the provision adding chlorophenolic chemicals to the chemical constituent list may economically impact those businesses producing but not yet managing this waste type as hazardous. Additional discussion relative to this latter point is found in *Federal Register* Vol. 59, No. 2 Tuesday, January 4, 1994, and the Statement of Need Reasonableness.

Farming Operations. *Minnesota Statutes* § 116.07, subd. 4 requires the MPCA to hold public meetings in agricultural areas of the state if a proposed rule affects farming operations. This rule is not related to farming operations.

Transportation. *Minnesota Statutes* § 174.05 requires the MPCA to notify the Commissioner of the Minnesota Department of Transportation of all rules that concern transportation, and requires the Commissioner of the Minnesota Department of Transportation to prepare a written review of the rules. This rule is not related to transportation.

Adoption and Review of Rule. If no hearing is required, after the end of the comment period, the MPCA may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or be notified of the attorney general's decision on the rule. If you wish to be so notified, or wish to receive a copy of the adopted rule, submit your request to the MPCA contact person listed above.

Dated: 21 August 1995

Charles W. Williams
Commissioner

Rules as Proposed

7045.0065 AVAILABILITY OF REFERENCES.

The documents referred to in this chapter may be obtained by contacting the appropriate offices as listed in this part.

[For text of items A to F, see M.R.]

G. "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," issued by the United States Environmental Protection Agency, publication number SW-846 (Second Edition, 1982, as amended by Update I, April 1984, and Update II, April 1985) of the Office of Solid Waste, United States Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460. The Second Edition of SW-846 and Updates I and II available at the Minnesota Law Library, Third Edition (November 1986) as amended by Updates I (July 1992) and IIA (August 1993). The Third Edition of SW-846 and Update I (document number 955-001-00000-1) are incorporated by reference and are available through the Minitex interlibrary loan system and from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22161, (703) 487-4600 as Document number PB 87-120-294 Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, (202) 783-3238. Update IIA (August 1993) is incorporated by reference and is available from the Minnesota State Law Library and the Office of Solid Waste (Mailcode 5304), United States Environmental Protection Agency (EPA), 401 M Street, S.W., Washington, D.C. 20460, or by calling the Methods Information Communication Exchange (MICE) Service at (703) 821-4789. Copies may be inspected at the

Library, United States Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. The documents are subject to frequent change; and

[For text of item H, see M.R.]

7045.0075 PETITIONS.

Subpart 1. **Petitions for equivalent testing or analytical methods.** Any person seeking to use a testing or analytical method other than those described in parts 7045.0102 to 7045.0143, 7045.0450 to 7045.0544, or 7045.0552 to 7045.0642 may petition under these provisions. The person must demonstrate to the satisfaction of the commissioner that the proposed method is equal to or superior to the corresponding method prescribed in parts 7045.0102 to 7045.0143, 7045.0450 to 7045.0544, or 7045.0552 to 7045.0642 in terms of its sensitivity, accuracy, precision, and reproducibility. Each petition must include:

[For text of items A to D, see M.R.]

E. comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in parts ~~7045.0100~~ 7045.0102 to 7045.0143, 7045.0450 to 7045.0544, or 7045.0552 to 7045.0642;

[For text of items F and G, see M.R.]

Subp. 2. **Petitions to exclude a waste produced at a particular facility.** Petitions to exclude a waste produced at a particular facility are as follows:

[For text of items A to D, see M.R.]

E. If the waste is listed with code "T" in part 7045.0135, subitems (1) to (4) apply.

(1) The petitioner must demonstrate that the waste:

(a) does not contain the constituent or constituents (as defined in part 7045.0135) that caused the agency to list the waste, using the appropriate test methods prescribed in Code of Federal Regulations, title 40, part 261, appendix III "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," issued by the United States Environmental Protection Agency, publication SW-846, as incorporated by reference in part 7045.0065; or

[For text of unit (b), see M.R.]

[For text of subitems (2) to (4), see M.R.]

[For text of items F to H, see M.R.]

[For text of subps 3 and 4, see M.R.]

Subp. 5. **Petition for use of alternate manifest.** A person who meets the criteria in item A may submit a petition to the commissioner for approval of the use of an alternate manifest system as described in item B. The criteria the commissioner shall use in determining whether to approve the use of the alternate manifest system are provided in item C.

[For text of item A, see M.R.]

B. Upon approval, an alternate manifest system may be used in lieu of the manifest system described in parts 7045.0261 to and 7045.0265. The commissioner shall only approve alternate manifest systems meeting the following criteria:

[For text of subitems (1) to (3), see M.R.]

[For text of item C, see M.R.]

[For text of subps 6 to 12, see M.R.]

7045.0131 CHARACTERISTICS OF HAZARDOUS WASTE.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Corrosivity.** A waste exhibits the characteristic of corrosivity if a representative sample of the waste has any of the following properties:

A. It is aqueous and has a pH less than or equal to 2.0 or greater than or equal to 12.5, as determined by a pH meter using either the test Method 9040 in the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," issued by the United States Environmental Protection Agency, publication number SW-846 (First Edition, 1980 as updated by Revisions A (August

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1980), B (July 1981), and C (February 1982) or Second Edition, 1982) also described in *Methods for Chemical Analysis of Water and Waste* issued by the Environmental Monitoring and Support Laboratory, publication number 600/7-79-020 (March 1979), or an equivalent test method approved by the commissioner under the procedures set forth in part 7045.0075, subpart 1, as incorporated by reference in part 7045.0065; or

B. It is liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55 degrees Celsius (130 degrees Fahrenheit) as determined by the test method specified in National Association of Corrosion Engineers Standard TM-01-69 as standardized in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," issued by the United States Environmental Protection Agency, publication number SW-846 (First Edition, 1980 as updated by Revisions A (August 1980), B (July 1981), and C (February 1982) or Second Edition, 1982) or an equivalent test method approved by the commissioner under the procedures set forth in part 7045.0075, subpart 1, as incorporated by reference in part 7045.0065.

A waste that exhibits the characteristic of corrosivity has the hazardous waste number of D002.

[For text of subs 5 and 6, see M.R.]

Subp. 7. **Toxicity.** Toxicity is determined as follows:

A. A waste exhibits the characteristic of toxicity if, using the test methods described in *Code of Federal Regulations*, title 40, part 261, appendix II, as amended, or equivalent methods approved by the commissioner under the procedures in part 7045.0075, subpart 1 **Toxicity Characteristic Leaching Procedure, test Method 1311** in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," issued by the United States Environmental Protection Agency, publication SW-846, as incorporated by reference in part 7045.0065, the extract from a representative sample of the waste contains any of the contaminants listed in subpart 8 at a concentration equal to or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering, is considered to be the extract.

[For text of items B and C, see M.R.]

[For text of subp 8, see M.R.]

7045.0135 LISTS OF HAZARDOUS WASTES.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Discarded commercial chemical products, off specification species, containers, and spill residues.** The following materials or items are hazardous wastes when they are discarded or intended to be discarded as described in part 7045.0020, subpart 18; when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment; when they are otherwise applied to the land in lieu of their original intended use; when they are contained in products that are applied to the land in lieu of their original intended use; or when, in lieu of their original intended use, they are produced for use as, or as a component of a fuel, distributed for use as a fuel, or burned as a fuel.

[For text of A to D, see M.R.]

E. The commercial chemical products or manufacturing chemical intermediates, or off specification commercial chemical products or manufacturing chemical intermediates referred to in items A to D and listed in subitems (1) to (17) are identified as acute hazardous wastes (H). The primary hazardous properties of these materials have been indicated by the letters T (toxicity), and R (reactivity). Absence of a letter indicates that the compound is listed only for acute toxicity. These wastes and their corresponding hazardous waste numbers, Chemical Abstract Service registry numbers, if available, and hazard codes are listed in subitems (1) to (17).

[For text of subitem (1), see M.R.]

(2) Hazardous wastes from commercial chemical products beginning with the letter B:

[For text of units (a) to (i), see M.R.]

(j) P015, 7440-41-7, Beryllium powder;

[For text of units (k) to (m), see M.R.]

[For text of items (3) to (17), see M.R.]

[For text of item F, see M.R.]

[For text of subp 5, see M.R.]

7045.0141 HAZARDOUS CONSTITUENTS.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **"B" constituents.** Hazardous constituents beginning with the letter B are as follows:

[For text of items A to P, see M.R.]

Q. Beryllium powder, 7440-41-7, P015;

[For text of items R to W, see M.R.]

[For text of subps 4 to 15, see M.R.]

Subp. 16. "P" constituents. Hazardous constituents beginning with the letter P are as follows:

[For text of items A to U, see M.R.]

V. Potassium pentachlorophenate:

W. Potassium silver cyanide, 506-61-6, P099;

~~W~~ X. Pronamide, 23950-58-5, U192;

~~X~~ Y. 1,3-Propane sultone, 1120-71-4, U193;

~~Y~~ Z. n-Propylamine, 107-10-8, U194;

~~Z~~ AA. Propargyl alcohol, 107-19-7, P102;

~~AA~~ BB. Propylene dichloride, 78-87-5, U083;

~~BB~~ CC. 1,2-Propylenimine, 75-55-8, P067;

~~CC~~ DD. Propylthiouracil, 51-52-5, ____; and

~~DD~~ EE. Pyridine, 110-86-1, U196.

[For text of subp 17, see M.R.]

Subp. 18. "S" constituents. Hazardous constituents beginning with the letter S are as follows:

[For text of items A to M, see M.R.]

N. Sodium pentachlorophenate, 131522, ____;

O. Streptozotocin, 18883-66-4, U206;

~~O~~ P. Strychnine, 57-24-9, P108; and

~~P~~ Q. Strychnine salts, _____, P108.

Subp. 19. "T" constituents. Hazardous constituents beginning with the letter T are as follows:

[For text of items A to I, see M.R.]

J. 2,3,4,6-Tetrachlorophenol, potassium salt, 53535276, ____;

K. 2,3,4,6-Tetrachlorophenol, sodium salt, 25567559, ____;

L. Tetraethyldithiopyrophosphate, 3689-24-5, P109;

~~K~~ M. Tetraethyl lead, 78-00-2, P110;

~~L~~ N. Tetraethylpyrophosphate, 107-49-3, P111;

~~M~~ O. Tetranitromethane, 509-14-8, P112;

~~N~~ P. Thallium, 7440-28-0, ____;

~~O~~ Q. Thallium compounds, not otherwise specified in this list, _____, ____;

~~P~~ R. Thallic oxide, 1314-32-5, P113;

~~Q~~ S. Thallium (I) acetate, 563-68-8, U214;

~~R~~ T. Thallium (I) carbonate, 6533-73-9, U215;

~~S~~ U. Thallium (I) chloride, 7791-12-0, U216;

~~T~~ V. Thallium (I) nitrate, 10102-45-1, U217;

~~U~~ W. Thallium selenite, 12039-52-0, P114;

~~V~~ X. Thallium (I) sulfate, 7446-18-6, P115;

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W Y. Thioacetamide, 62-55-5, U218;
X Z. Thiofanox, 39196-18-4, P045;
Y AA. Thiomethanol, 74-93-1, U153;
Z BB. Thiophenol, 108-98-5, P014;
AA CC. Thiosemicarbazide, 79-19-6, P116;
BB DD. Thiourea, 62-56-6, U219;
CC EE. Thiram, 137-26-8, U244;
DD FF. Toluene, 108-88-3, U220;
EE GG. Toluenediamine, 25376-45-8, U221;
FF HH. Toluene-2,4-diamine, 95-80-7, ____;
GG II. Toluene-2,6-diamine, 823-40-5, ____;
HH JJ. Toluene-3,4-diamine, 496-72-0, ____;
H KK. Toluene diisocyanate, 26471-62-5, U223;
H LL. o-Toluidine, 95-53-4, U328;
KK MM. o-Toluidine hydrochloride, 636-21-5, U222;
LL NN. p-Toluidine, 106-49-0, U353;
MM OO. Toxaphene, 8001-35-2, P123;
NN PP. 1,2,4-Trichlorobenzene, 120-82-1, ____;
OO QQ. 1,1,2-Trichloroethane, 79-00-5, U227;
PP RR. Trichloroethylene, 79-01-6, U228;
QQ SS. Trichloromethanethiol, 75-70-7, P118;
RR TT. Trichloromonofluoromethane, 75-69-4, U121;
SS UU. 2,4,5-Trichlorophenol, 95-95-4, F027;
FF VV. 2,4,6-Trichlorophenol, 88-06-2, F027;
UU WW. 2,4,5-T, 93-76-5, F027;
VV XX. Trichloropropane, not otherwise specified in this list, 25735-29-9, ____;
WW YY. 1,2,3-Trichloropropane, 96-18-4, ____;
XX ZZ. 0,0,0-Triethyl phosphorothioate, 126-68-1, ____;
YY AAA. 1,3,5-Trinitrobenzene, 99-35-4, U234;
ZZ BBB. Tris(1-azridinyl)phosphine sulfide, 52-24-4, ____;
AAA CCC. Tris(2,3-dibromopropyl) phosphate, 126-72-7, U235; and
BBB DDD. Trypan blue, 72-57-1, U236.

[For text of subps 20 to 23, see M.R.]

7045.0528 TANK SYSTEMS.

Subpart 1. **Scope.** This part applies to owners and operators of facilities that use tank systems, including tank systems, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in part 7045.0020 and regulated under part 7045.0541, to treat or store hazardous waste, except as part 7045.0450, and items A and B provide otherwise.

A. Tank systems that are used to store or treat hazardous waste that contains no free liquids and are situated inside a building with an impermeable floor are exempted from the requirements in subparts 4 and 5. To demonstrate the absence or presence of free liquids in the stored or treated waste, ~~EPA the following test must be used:~~ Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes ~~Waste~~, Physical/Chemical Methods," ~~(EPA issued by the United States Environmental Protection Agency, publication No. SW-846) must be used, as incorporated by reference in part 7045.0065.~~

[For text of item B, see M.R.]

[For text of subps 2 to 11, see M.R.]

7045.0538 LANDFILLS.

[For text of subps 1 to 9, see M.R.]

Subp. 10. **Special requirements for liquid waste.** Special requirements for liquid waste are as follows:

[For text of items A and B, see M.R.]

C. The presence or absence of free liquids in containerized or bulk waste must be demonstrated using the Paint Filter Liquids Test, Method 9095 as described in "Test Methods for Evaluating Solid ~~Wastes~~ Waste, Physical/Chemical Methods," EPA issued by the United States Environmental Protection Agency, publication number SW-846, as incorporated by reference in part 7045.0065.

[For text of subps 11 to 13, see M.R.]

7045.0628 TANK SYSTEMS.

Subpart 1. **Scope.** This part applies to owners and operators of facilities that use tank systems, including tank systems, sumps, and other such collection devices or systems used in conjunction with drip pads, as defined in part 7045.0020 and regulated under part 7045.0644, to treat or store hazardous waste, except as items A and B and part 7045.0552 provide otherwise.

A. Tank systems that are used to store or treat hazardous waste containing no free liquids and that are located inside a building with an impermeable floor are exempt from the requirements of subparts 4 and 5. To demonstrate the absence or presence of free liquids in the stored or treated waste, EPA the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid ~~Wastes~~ Waste, Physical/Chemical Methods," (EPA issued by the United States Environmental Protection Agency, publication No. SW-846) must be used, as incorporated by reference in part 7045.0065.

[For text of item B, see M.R.]

[For text of subps 2 to 12, see M.R.]

7045.0638 LANDFILLS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Special requirements for liquid waste.** Bulk or noncontainerized liquid waste or waste containing free liquids, whether or not absorbents have been added, must not be placed in a landfill.

[For text of item A, see M.R.]

B. The presence or absence of free liquids in containerized or bulk waste must be demonstrated using the Paint Filter Liquids Test, Method 9095 as described in "Test Methods for Evaluating Solid ~~Wastes~~ Waste, Physical/Chemical Methods," issued by the United States Environmental Protection Agency, publication number SW-846, as incorporated by reference in part 7045.0065.

[For text of subps 8 and 9, see M.R.]

7045.1350 TREATMENT STANDARDS.

Subpart 1. **Concentration standard for waste extract.** A restricted waste identified in part 7045.1355 may be land disposed only if an extract of the waste or of the treatment residue of the waste developed using the test method in Code of Federal Regulations, title 40, part 261, Appendix H Method 1311, the Toxic Characteristic Leaching Procedure does not exceed the value shown in Code of Federal Regulations, title 40, part 268.41, Table CCWE, for any hazardous constituent listed for that waste, with the following exceptions: D004; D008; K031; K084; K101; K102; P010; P011; P012; P036; P038; and U136. These wastes may be land disposed only if an extract of the waste or of the treatment residue of the waste developed using either the test method in Code of Federal Regulations, title 40, part 261, Appendix H, or the test method in Code of Federal Regulations, title 40, part 268, Appendix I Method 1310, the Extraction Procedure Toxicity Test, or Method 1311, the Toxicity Characteristic Leaching Procedure, does not exceed the concentrations shown in Code of Federal Regulations, title 40, part 268.41, Table CCWE, for any hazardous constituent listed for that waste. Methods 1310 and 1311 are both found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," issued by the United States Environmental Protection Agency, publication SW-846, as incorporated by reference in part 7045.0065.

[For text of subps 2 and 3, see M.R.]

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Executive Orders

Executive Department

Emergency Executive Order 95-10 Providing for Assistance to the Minnesota Department of Natural Resources in Northeastern Minnesota

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, a major wildfire is burning out of control in Cook County in northeastern Minnesota, endangering lives and property; and

WHEREAS, various federal, state, and local agencies are employing rotary wing aircraft to fight the fires and these aircraft are consuming large amounts of jet aviation fuel; and

WHEREAS, the airport in Grand Marais does not have a facility to store and dispense the fuel required for the helicopters; and

WHEREAS, the Minnesota Department of Natural Resources, in coordination with the United States Forest Service, has requested a temporary fuel delivery and dispensing system on the site;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or about August 12, 1995, in the service of the State, such personnel and equipment of the military forces of the State as required and for such period of time as necessary to assist and support the Minnesota Department of Natural Resources and other agencies in fighting the wildfires.
2. The cost of subsistence, transportation, fuel, pay, and allowances of said individuals shall be defrayed from the general fund of the State as provided for in *Minnesota Statutes* 1994, Sections 192.49, subd. 1, 192.51, and 192.52.

Pursuant to *Minnesota Statutes* 1994, Section 4.035, subd. 2, this Order shall be effective immediately and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1994, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this fifteenth day of August, 1995.

Arne H. Carlson
Governor

Filed According to Law:

Joan Anderson Growe
Secretary of State

Commissioners' Orders

Department of Transportation

Order No. 81154: Rescinding Controlled Access Highway Use Order No. 81154: Prohibition of Hazardous Materials Transportation by Certain Motor Vehicles Within the Lake Place, East and West Tunnels, City of Duluth

Whereas, on the 14th day of February, 1989 the Commissioner of Transportation made and filed his Order No. 74627 pursuant to *Minnesota Statutes* Section 169.305 prohibiting the use of that portion of controlled access highway number I-35 from Mesaba Avenue to 10th Avenue East, including that portion which lies beneath State Bridges 69836, 69821 and 69820, commonly referred to as the Lake Place, West and East tunnels within the City of Duluth, by any motor vehicle whose gross or combination weight is in excess of 9000 pounds when transporting hazardous material as defined in the *Code of Federal Regulations*, Title 49, Chapter 1, Section 171.8, and

Whereas, the Commissioner of Transportation has duly determined that it is in the public interest and that the normal and safe flow of traffic no longer required the regulated use of said controlled access highway by any current class of traffic,

Now Therefore, it is ordered that Order No. 74627 is hereby vacated, rescinded and set aside.

Dated: 15 August 1995

James N. Denn
Commissioner of Transportation

Pursuant to the provisions of Minnesota Statutes §14.101, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Housing Finance Agency

Notice of Public Hearing on Bond Issue

The Minnesota Housing Finance Agency will hold a public hearing pursuant to Section 1313(a)(3)(A) of the Tax Reform Act of 1986 and Section 147(f) of the *Internal Revenue Code* of 1986, as amended, on September 20, 1995, at 9:00 a.m. at the Minnesota Housing Finance Agency Board Room, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101, on a proposed issue of bonds in an aggregate principal amount not to exceed \$40,085,000 for the purpose of refunding bonds financing the facilities described below as residential rental projects. The bonds will be issued under either the Agency's housing development bond resolution or rental housing resolution. The general functional description of the type and use of each facility, the developer which currently owns the facility, and its location are as follows:

Development Description	Outstanding Mortgage Bal.	Owner/General Partner(s)	Development Location
Applewood West/Fairmont Apts 42 units family housing in two rehabilitated buildings	\$1,349,642	Applewood West/Fairmont Apartments A. Ronald Johnson, general partner	315 N. 54th Avenue W. 6715 Redruth Duluth
Ashland Place/Dellwood South 44 unit elderly building 16 family townhouses	\$2,078,100	Ashland Dellwood Partners John B. Bergstad, general partner	11th Av. SW & Dellwood Cambridge
Birmingham 21 family townhouses	\$757,145	Birmingham Limited Partnership Gus A. Chafoulias, general partner	846-888 Birmingham St. Paul
Blooming Glen 50 family townhouses	\$1,804,704	Nath & Associates-Blooming Glen Mahendra Nath, general partner	735 North Glen Bloomington
Cedar Terrace 24 family townhouses	\$835,403	Cedar Terrace Partnership Thies & Talle Enterprises, general partner	14th & Northway Drive St. Cloud
Century Hill Townhouses 55 family townhouses	\$2,045,439	White Bear Lake Partners Robert G. Boisclair, general partner	3525-3545 Century Av. White Bear Lake
Charter Oak 60 family townhouses	\$2,232,360	Stillwater Housing Limited Partnership Douglas T. Madsen, general partner	1198 Curve Crest Blvd. Stillwater
Cliff Hill Townhouses 32 family townhouses	\$1,193,804	Burnsville Associates Limited Partnership Garrett G. Carlson, general partner	1064 E. 117th Street Burnsville
Dewey Place/The Pines 24 unit elderly building 12 family townhouses	\$1,074,656	Foley Housing Limited Partnership David J. Butler and James N. McKellin III, general partners	Dewey & Broadway Pine & Norman Foley
18th & Clinton Townhouses 8 family townhouses	\$248,494	18th & Clinton Associates Margaret Lucas and Margaret Bracken, general partners	1803-1809 Clinton Av. Minneapolis
Etna Woods 20 family townhouses	\$705,915	Etna Woods Apartments Kent A. Oliver, general partner	1228-1254 Clarence St. Paul
Evergreen Apartments 62 unit elderly building	\$2,175,348	Hutchinson Senior Apartments John R. Paulson, general partner	115 S. Jefferson Hutchinson
Galway Place 36 family townhouses	\$1,274,305	Galway Place, Limited James Stanton, general partner	11240 Osage St. NW Coon Rapids
Glenwood Manor, Callaghan Court 36 family townhouses	\$1,145,866	Glenwood Townhouses Brutger Equities, general partner	720-784 2nd Ave. SE 600-650 6th Ave. SE Glenwood
Hillside Terrace 36 family townhouses	\$1,240,004	Hillside Properties Cyril Reinert, general partner	207 Lauring Lane Monticello

Official Notices

Kimberly Meadows 39 family townhouses	\$1,448,452	Kimberly Meadows, Ltd. Thies & Talle Enterprises, general partner	Highway 101 & Co. Rd. 6 Plymouth
Maple Knoll 57 family townhouses	\$2,167,867	Maple Knoll Associates Thomas W. LaSalle and Bruce Nimmer, general partners	1880-1926 Mesabi Maplewood
Marshall Avenue Townhouses 12 family townhouses	\$384,418	The Marshall Partnership Thomas Norman, general partner	708-730 Marshall Av. St. Paul
Millpond Apartments 44 unit elderly building	\$1,576,616	Millpond Partners Terry O. & Bette Noble, general partners	201 1st Avenue NW New Prague
Oakland Square 31 family units in 10 rehabilitated buildings	\$849,098	Oakland Square Housing Corporation, general partner	2609, 2613, 2617, 2633, 2653 Portland Ave.; 2628, 2632-34, 2640-42, 2644-46 Oakland Ave.; 610 E. 27th St. Minneapolis
Ripple River Townhouses 32 family townhouses	\$1,073,575	Aitkin Housing Partners Limited Partnership Douglas T. Madsen, general partner	County Highway 54 Aitkin
Rustic Creek Townhouses 40 family townhouses	\$1,615,177	Two Harbors Housing Partners Limited Partnership Douglas T. Madsen, general partner	1300 9th Avenue Two Harbors
Sunrise Manor 32 family townhouses	\$1,077,663	Sunrise Manor Associates Richard J. Mathiowetz, general partner	5th Avenue SE Sleepy Eye
Talmage Green 22 family townhouses 4 family units in walkup building	\$885,156	MHWB Properties II John R. Miller, James E. Hansen, Edwin Bell, and Larry Westerbeck, general partners	1010-1058 11th Av. SE 502 2nd Av SE Minneapolis
Walnut Place 30 family townhouses	\$1,102,276	BRI Associates Bor-Son Building Corporation, general partner	8840-8870 Walnut Rd. Rockford
Westfalls 40 family townhouses	\$1,354,650	Westfalls Housing Limited Partnership Dennis R. Peterson, general partner	2100 Westfalls Drive Redwood Falls
Westgate Townhouses 37 family townhouses	\$1,377,904	R. J. Lloyd Partnership Dale L. Fuller, general partner	600 1st Street NW New Prague
Women's Advocates Battered women's shelter	\$78,238	Women's Advocates, Inc.	584 Grand Avenue St. Paul

The maximum aggregate face amount of bonds to be issued with regard to each of the above developments will be the proportionate share each outstanding mortgage balance represents of the total outstanding mortgage balance (total of mortgages approximately \$35,152,275) as a percentage of the new bonds to be issued. Parties wishing to comment on the proposed financing may appear in person at the hearing or may submit written comments to the undersigned prior to the hearing.

Katherine G. Hadley,
Commissioner

Department of Human Services**Department of Corrections****Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules
Governing Uniform Licensing and Programming Rules for Secure and Nonsecure Juvenile
Residential Facilities**

The State Department of Human Services and State Department of Corrections hereby give notice that they seek information or opinions from sources outside the agencies in preparing to propose rules governing Uniform Licensing and Programming for Secure and Nonsecure Juvenile Residential Facilities. The rules are authorized by *Laws of Minnesota*, Chapter 226, Article 3, Section 60, which requires the commissioners of corrections and human services to jointly adopt licensing and programming rules for the secure and nonsecure residential treatment facilities that they license; *Laws of Minnesota*, Chapter 226, Article 3, Section 51, which requires the commissioners of corrections and human services to jointly adopt licensing rules requiring all facilities to develop operating policies and procedures for the continued use of secure treatment placement; *Laws of Minnesota*, Chapter 226, Article 3, Section 50, which requires the commissioners of corrections and human services to jointly amend their licensing rules to allow residential facilities to admit 18- and 19-year-old extended jurisdiction juveniles and to require licensed facilities to develop policies and procedures for programming and housing separation of residents according to age; and *Minnesota Statutes*, section 241.67, subdivision 2, which requires the commissioner of corrections to adopt rules for the certification of sex offender treatment programs in state and local correctional facilities and state-operated adult and juvenile sex offender treatment programs not operated in state or local correctional facilities.

During the course of the rulemaking process the State Department of Human Services and State Department of Corrections will form a joint advisory committee to aid in the development of the rule.

During the course of rule development, the following issues may be considered: the need for consistency of licensing requirements to enable the provision of appropriate services to juveniles; standards for the management of the program, including an advisory group for each facility, grievance procedures and internal program evaluation; programming standards, including criteria for admission and discharge, client goals, development of a no-eject policy, individual plans for transitional services, cultural sensitivity, staff who reflect clients' ethnicity, staff training in cultural sensitivity and disability awareness, capability to respond to disabilities, and education; program audit procedures; policies and procedures governing secure residential treatment, including review of individual cases to determine continuing needs and consideration of less restrictive alternatives; sex offender treatment program standards; licensing consequences of admission of extended jurisdiction juveniles; and policies and procedures for appropriate programming and housing separation of residents according to age.

The types of groups and individuals likely to be affected by the proposed rule include all current licenseholders providing residential care for children or juveniles; people who are in or may be in residential facilities or out-of-home placement licensed by the Department of Human Services or Department of Corrections; parents or guardians of people who are in or may be in out-of-home placement; and citizens, insurance companies, counties, or any other entity which pays for such placement.

The departments anticipate that the rule adoption process will take 24 months.

The departments request information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally and may request a copy of drafts of the proposed rule. Please address written comments or requests for copies of the proposed rule to: Carol Grant, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3816. She will receive oral statements during regular business hours over the telephone at (612) 297-1217 and in person at the above address.

The departments will accept all statements of information and opinions until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services or the State Department of Corrections shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 15 August 1995

Carol Grant
Rules and Bulletins Unit
Department of Human Services

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective August 28, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Carlton: Asbestos Removal Building 30 MN Correctional Facility-Moose Lake.

Goodhue: Cannon Falls High School-Cannon Falls; General Improvements Cannon Falls Schools-Cannon Falls.

Hennepin: State of MN Department of Health Bldg VAV Conversion-Minneapolis; Providing Furniture Comprising of 8 Workstations-U of M Minneapolis.

Morrison: Heating System Conversation Post Exchange-Camp Ripley.

St. Louis: Chisholm-Hibbing DNR Tanker Base Facility Improvements Phase II (1995)-Hibbing Municipal Airport.

Stearns: Sauk Centre Wastewater Treatment Improvements-Sauk Centre.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian, Commissioner

Department of Labor and Industry

Workers' Compensation Division

Notice of Solicitation of Outside Information or Comment Regarding Proposed Rule Governing Arbitration of Equitable Apportionment in Workers' Compensation Cases

NOTICE IS HEREBY GIVEN that the State Department of Labor and Industry is seeking information or comment from sources outside the agency in preparing to propose the adoption of the rule governing apportionment arbitration. The adoption of the rule is authorized by *Minnesota Statutes*, section 176.191, which permits the agency to develop and approve rules regarding arbitrator selection, presumptive apportionment, procedures and administration.

The State Department of Labor and Industry requests information and comment concerning the subject matter of the rule. The types of groups and individuals that are likely to be or are potentially affected by these rules include all parties who use the workers' compensation system. Through this process employers and insurers will be allowed to equitably apportion liability for payable benefits even where agreement cannot be reached among themselves. This equitable apportionment is otherwise prohibited under the law effective July 1, 1995.

Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Mary Miller
Legal Services Division
Minnesota Department of Labor and Industry
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-8726 and in person at the above address.

The Department of Labor and Industry does not currently have a draft of the rules prepared for comment. There will be a draft available for comment on October 2, 1995. If you wish to receive a draft or if you wish to be placed on the agency's workers' compensation rules mailing list, please contact the person listed above.

All statements of information and comment will be accepted until further notice. Any written material received by the State Department of Labor and Industry shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 21 August 1995

Gary W. Bastian
Commissioner

Department of Natural Resources

Division of Fish and Wildlife

Notice of Solicitation of Comments Regarding Rules Governing Various Game and Fish Matters

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources is seeking comments from sources outside the agency in preparing to propose the adoption of rules and the amendment of existing rules governing various game and fish matters.

Subject of Rules and Statutory Authority. Specifically, the proposed rules on various fish matters will cover: amendment of the fish hatchery rules so that fish hatcheries are subject to the same rules as aquatic farms; change minimum mesh size for taking of whitefish and ciscoes on Hanging Horn Lake; requiring individuals engaged in commercial mussel harvesting to have their own permit and removing the option of listing helpers on a commercial mussel harvest permit; allowing commercial fishing for lake herring on Lake Superior in November under special permit; removing the size limit for lake trout taken under a commercial fishing permit on Lake Superior; adding specifications for setting pound, trap and gill nets on Lake Superior; changing specifications for use of crib nets for commercial fishing on inland waters; adding exceptions to rules restricting importation, transportation or stocking of live fish; changing catfish season on Minnesota-North Dakota border waters and inland tributaries to the Red River; closing sturgeon season on tributaries to the St. Croix River; closing Little Rock Creek in Morrison County to harvest of brown trout and restricting anglers to artificial lures; adding waters to the Minnesota-South Dakota boundary waters area; changing catfish possession limits on Minnesota-South Dakota boundary waters and their inland tributaries; prohibiting use of certain species for bait and changes in liberalized fishing regulations on Minnesota-South Dakota border waters; technical correction for taking of fish on Minnesota-Wisconsin boundary waters; changing reciprocity provisions for commercial fishing operators in Wisconsin and Minnesota; removing prohibitions on commercial fishing operators returning carp to Minnesota-Wisconsin boundary waters; changing possession limits on boundary waters; and restricting taking of minnows from parts of Minnesota-Wisconsin boundary waters.

The adoption of these rules is authorized by *Minnesota Statutes*, sections 97A.045, subs. 2 and 4; 97C.005, subd. 3; 97C.045, subd. 4; 97C.205; 97C.211, subd. 2; 97C.345, subd. 5; 97C.395; 97C.401, subd. 1; 97C.701, subd. 1; and 97C.385, subd. 3.

Specifically, the proposed rules on various game matters will cover: technical correction on use of wildlife management areas; opening and closing special hunting and fishing provisions in the following state game refuges: Bemidji, Claremont, Lac qui Parle, Paul Bunyan, Pine County, Talcot Lake Waterfowl, Bellwood, and Anoka and Isanti Counties; closing an area of the Richard J. Dorer State Forest to firearms hunting; repealing bow and arrow casing and stand requirements that have been superseded by statute; adding the resident youth license established by statute to the firearms deer zone and date options; allowing the use of ATV's for retrieving moose on wildlife management areas in northwestern Minnesota; simplifying and standardizing deer registration requirements; extending archery deer season for most areas of state and changing archery zones; extending the time of day archery hunters are allowed in Camp Ripley; allowing ATV's in Camp Ripley by permit for hunters with disabilities; providing for use of handguns for deer hunting in shotgun zones; repealing Minnesota Valley alternative deer control program rules; providing for use of handguns for muzzle loader deer hunting in shotgun zones; changing bear quota area; reducing distance restrictions for bear bait stations; prescribing an alternative color for moose hunters whose religious beliefs do not permit blaze orange; adding orientation session requirement for northwest zone moose hunters; changing northeast moose zone boundaries; extending open season for beaver trapping; extending open otter zone boundary; extending trap-tending interval for conibear-type traps to conform to statute change; changing carcass collection requirements for furbearers; changing pelting fee for accidentally trapped furbearers; changing turkey zone boundaries; prescribing open goose seasons in portions of the state; and opening the following game refuges for the taking of geese: Douglas County Goose, Fox Lake, Sauk Rapids-Rice Goose, St. James and Otter Tail County.

The adoption of these rules is authorized by *Minnesota Statutes*, sections 86A.06; 97A.055, subd. 5; 97A.091, subd. 2; 97A.431, subd. 2; 97A.535, subd. 2; 97B.035, subd. 4; 97B.305; 97B.311; 97B.411; 97B.505; 97B.605; 97B.711, subs. 1 and 3; 97B.731; 97B.901; 97B.911-.925; and 97B.931, subd. 2.

Parties Affected by the Rules. The parties that will be affected by the rules are: private fish hatchery licensees; recreational whitefish and ciscoe gill netters; commercial mussel harvest permittees; commercial fishing operators on Lake Superior, inland waters and the Minnesota-Wisconsin boundary waters; anglers - primarily those who fish on Minnesota-North Dakota and Minnesota-South Dakota boundary waters; commercial minnow harvesters on the Minnesota-Wisconsin boundary waters; hunters and anglers in the above-named game refuges; deer, moose, bear, and waterfowl hunters; trappers; wild turkey hunters in some zones; and some hunters with disabilities.

Small Business Considerations. Comments are also being solicited as to any effect the rules might have on small businesses as defined under *Minnesota Statutes*, section 14.115, subdivision 1. The rules may have an impact on small businesses dealing with commercial fishing, commercial mussel harvesting, and private fish hatcheries.

Official Notices

The proposed changes regarding commercial fishing on Lake Superior will affect 33 commercial fishing operators. Under the proposed changes, special permits could be issued to harvest lake herring in November, an activity which is currently prohibited. The removal of the size limit on lake trout will allow commercial operators to utilize fish that they are currently required to discard. These changes will benefit both the commercial fishing operators and associated businesses. Increased notification requirements for pound and trap nets and the increased minimum depth for gill nets set within one mile of the shoreline would have no economic impact.

Changes in minimum mesh size for cribs will provide more flexibility for the 29 inland commercial fishing operators.

The proposed changes regarding commercial mussel harvest will eliminate the listing of "helpers" on harvest permits. Permits would still be issued at no charge to qualified applicants, including qualified applicants who were previously listed as helpers. In recent years, there have been 40 to 75 commercial mussel harvest permits issued annually. The proposed changes would likely result in about 100 harvest permits being issued annually. Approximately 5 to 10 fewer people will be participating in the commercial mussel harvest because they were previously listed as helpers but would not qualify for their own permit.

The changes in the rules as to private fish hatcheries will result only in minor technical changes in the regulatory structure for private fish hatcheries and associated businesses.

The hunting and trapping rule changes are expected to have little or no effect on small businesses, with the exception of: (1) the turkey zone changes, which may allow a 10%-20% increase in turkey permits and a corresponding increase in sales of products associated with turkey hunting; and (2) allowing use of handguns for deer hunting statewide could increase sales of handguns and ammunition by firearms dealers.

Comments and Agency Contact Person. The Minnesota Department of Natural Resources requests comments concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Richard Hassinger
Department of Natural Resources
Division of Fish and Wildlife
500 Lafayette Road
St. Paul, MN 55155-4020

Oral statements will be received during regular business hours over the telephone at (612) 297-1308 and in person at the above address. Drafts of the proposed rules may be obtained by contacting the agency contact person.

A copy of this notice will be mailed to all parties who have registered their names with the department for purposes of notice of rulemaking activity.

The department does not intend to establish an advisory task force on this issue. If no hearing is required, the rulemaking process is expected to be completed by January of 1996.

All statements of information and opinions shall be accepted through October 31, 1995. All written material received by the Department of Natural Resources shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 21 August 1995

Rodney W. Sando, Commissioner
Department of Natural Resources

By
Ronald Nargang, Deputy Commissioner

Department of Public Safety

Driver and Vehicle Services Division

State Board of Education**Joint Notice of Solicitation of Outside Information or Opinions Regarding Development of Rule Amendments Governing Commercial and Public School Driver Training Programs**

NOTICE IS HEREBY GIVEN that the State Department of Public Safety and the State Board of Education are jointly seeking information or opinions from sources outside the agencies in preparing to develop a single set of rules governing driver education programs. The development of a single set of driver education rules is authorized by legislation enacted in 1993 *Minnesota Laws*, chapter 224, article 12, section 35, which states: "The state board shall cooperate with the department of public safety to develop a single set of rules for driver education programs, whether public, private, or commercial."

The single set of rules will include the subject matter of rules of the Minnesota Department of Public Safety, *Minnesota Rules*, parts 7411.0100 to 7411.0900 governing Commercial Driver Training Schools and the rules of the State Board of Education, *Minnesota Rules*, parts 3500.5000 to 3500.5070, governing Public School Driver Education Programs. The subject matter that may be discussed during the development of the joint rules may include, but is not limited to: vehicle requirements, student and course requirements, instructor requirements, program requirements, licensing and certification provisions with respect to automobile, truck, and motorcycle driver training.

Groups and individuals likely to be affected include commercial and public driver training schools and instructors, driver training students and other members of the public who deal with driver education programs.

The State Department of Public Safety and the State Board of Education intend to form an advisory task force to advise the agencies on the development of the joint rules. The following persons or associations will be invited to select a representative to serve as member of the advisory task force: Minnesota Driver and Traffic Safety Education Association; Commercial Driver Training Schools; Private and Parochial Schools; Motorcycle Training Program; Truck Driver Training Schools; Minnesota Association of School Administrators; Minnesota Congress of Parents, Teachers and Students; and the Senate and House Transportation and Education Committees. Other interested persons may also be asked to serve on the advisory task force.

The State Department of Public Safety and the State Board of Education request information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally and may request copies of the draft of the proposed rule. Please address written statements or requests for the proposed rule to:

Jerry Arvidson
Department of Public Safety
Driver and Vehicle Services Division
120 Transportation Building
395 John Ireland Blvd.
St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-2608 (voice), (612) 297-2100 (device for hearing impaired), by fax at (612) 296-5316, and in person at the above address.

All statements of information and opinions will be accepted until further notice is published in the *State Register* that the departments intend to adopt or to withdraw the rules. Any written material received by the Department of Public Safety shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 16 August 1995

Michael S. Jordan, Commissioner
Department of Public Safety

Dated: 14 August 1995

Georgina Stephens, President
State Board of Education

Pollution Control Agency

Air Quality Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendments to Minnesota Rules Governing Odorous Emissions and Processing Animal Matter

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is seeking information or comments from sources outside the MPCA in preparing to proposed amendments to Air Quality rules governing Odorous Emissions and Processing of Animal Matter. The MPCA is considering repealing its existing odor rule (*Minnesota Rules* 7011.0300 - 7011.0330) in its entirety and replacing it with a new odor rule. If the MPCA proposes these changes, it will also propose to amend the standard for processing animal matter to reflect the changes in the odor rule.

The adoption of the proposed rule is authorized by *Minnesota Statutes* § 116.07, subd. 4, which authorizes the MPCA to adopt rules and standards for the prevention, abatement and control of air pollution.

MPCA staff has prepared a draft new odor rule with assistance from a Technical Advisory Committee (TAC). The TAC consists of representatives from industry, local units of government, and technical experts in the field of odor testing. The TAC was formed after the MPCA published a Notice of Intent to Solicit Outside Comments in the *State Register* on April 27, 1992. The TAC met between July 1992 and September 1993. A subgroup was formed from the TAC known as the Odor Task Force. The Odor Task Force met on a monthly basis between January and August of 1993 to work on the final details of the draft rule.

The draft new odor rule replaces a rule which was based on numerical limits with a rule based on citizen complaints. Under the draft new rule, complaints regarding odors are reported to and investigated by local units of government and may be forwarded to the MPCA when the minimum number of complaints to define a "community annoyance" has been reached. The draft new odor rule provides for mitigation of odors at sources that fall within the scope of the rule.

The MPCA is also considering amending the animal matter processing standard to relax the incineration criteria where a source can operate at a lower temperature or with alternate control measures provided that the draft new odor rule is not violated. References to the current odor rule that appear in various sections of *Minnesota Rules* would be updated to reflect the new rule citations.

The rulemaking would affect persons who complain of odorous emissions and the sources that generate the odorous emissions. Insofar as the draft new odor rule would require local units of government to record and investigate complaints before referring them to the MPCA, the draft new rule would also affect local units of government.

The MPCA requests information and comments concerning the subject matter of the rule. Interested persons or groups may submit data or views in writing or orally to:

Stuart Arkley
Minnesota Pollution Control Agency
Air Quality Division
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Telephone: (612) 296-7774

Oral statements will be received during regular business hours over the telephone at (612) 296-7774, and in person at the above address.

For a copy of the draft new odor rule, please contact:

Linda Grant
Minnesota Pollution Control Agency
Air Quality Division
520 Lafayette Road North
St. Paul, Minnesota 55155-4194
Telephone: (612) 296-8326

All statements of information and opinions shall be accepted until 4:30 p.m., September 27, 1995. Any written material received by the MPCA shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Teachers Retirement Association

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, September 14, 1995, at 9:30 a.m., in Suite 500, Gallery Building, 17 W. Exchange St., St. Paul, MN to consider matters which may properly come before the Board.

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Administration

STAR Program

Notice of Request to Reopen Grant Competition in Northern and Western Minnesota

The STAR Program has reopened its annual Regional Assistive Technology Resources grant program for technology-related projects in Region 1 (northwest), Region 2 (northeast) and Region 5 (southwest). The grants provide Minnesota-based organizations the opportunity to establish or expand projects that provide technology-related assistance to unserved, underserved or underrepresented people with disabilities in Minnesota. Underrepresented populations include minorities, the poor, and persons with limited English proficiency. STAR anticipates funding at least one grant within each of the seven STAR development regions in Minnesota. The anticipated range of grants is \$5,000 to \$15,000.

Letters of intent must be received by 4:30 PM on September 29, 1995 in the format specified in the format application packet. Materials detailing the submission and evaluation process may be obtained by contacting STAR at 612-297-9618, 612-296-9478 TTY. Residents of Greater Minnesota may call 1-800-657-3862 or 1-800-657-3895 TTY. Technical assistance is available.

Department of Corrections

Proposals Sought from Correctional Facilities for Vocational Programs for Criminal Offenders

The Carl Perkins Vocational and Applied Technology Act designates that 1% of the total state allocation will be set aside for vocational programs for criminal offenders. Included in the definition of criminal offender are individuals charged with or convicted of any criminal offense, including a youth or juvenile offender. State and local correctional facilities are eligible to receive funds.

The 1% monies, approximately \$150,000 for next year is being made available on a request for proposal basis, for state and local correctional facilities, both juvenile and adult. All proposals will be reviewed, ranked, and recommended for funding by a team of readers. Proposal emphasis should focus on Development of Assessment Procedures, Vocational Exploration, or Development of Transition Procedures.

Proposals are due in Department of Corrections no later than Thursday, September 14, 1995. Complete details on the RFP and forms for submitting a proposal are available by phoning Scott Olson at (612) 642-0242.

Department of Education

Instructional Transformation Through Technology Grants

Notice of Grant Opportunity for Minnesota Elementary and Secondary Schools to Demonstrate the Deployment of Technology Advances to Increase Teaching and Learning Productivity in the Classroom and Manage Individual Student Learning Plans.

Purpose

In accordance with the *Laws of Minnesota*, 1995, Chapter 3, Article 12, Section 8, the Minnesota Department of Education is seeking applications from Minnesota school districts and their teachers who are interested in working with the Minnesota Department of Education, private business, libraries, higher education institutions, local government, and their community on projects that will provide models for the deployment of information technologies in the support of learning in the classroom and the enhancement of teaching and learning productivity. The following are the critical parameters for use of the grant proceeds specified in the law:

1. Enhance teaching and learning productivity through the use of technology;
2. Develop individual learner classroom-based teaching and learning systems that can be aggregated into site, district, and state instructional information technologies frameworks;
3. Develop personalized learning plans and record keeping systems that give learners more responsibility for their learning success and change the role of teacher to learning facilitator;
4. Match and allocate resources;
5. Provide user and contributor access to electronic libraries;
6. Plan classroom and curricular activities;
7. Automate student progress reports;
8. Increase collaboration between school districts and sites with businesses, higher education institutions, libraries, and local government units;
9. Correlate state-defined outcomes to curriculum units for each student;
10. Provide technical support, project evaluation, dissemination services, and replication.

This initiative is NOT intended to provide resources for electronic school district administrative systems or to support normal school district operation.

Eligibility Criteria

Eligible applicants for these funds are collaborative partnerships of teachers and administrators from at least ten or more schools within at least three school districts who are interested in working with the Minnesota Department of Education, private business, libraries, and higher education institutions on projects that will provide models for the deployment of information technologies in the support of learning in the classroom and the enhancement of teaching and learning productivity. Community organizations and local governments may also be partners with applicant schools. The 1995 Legislature appropriated \$5,400,000 (\$2,700,000 each year) over the FY1996-97 biennium to the Minnesota Department of Education for this grant program. The Department of Education plans to use the money to award:

- At least one grant to a partnership collaborative of at least ten or more elementary schools from at least three school districts. The districts do not need to be contiguous.
- At least one grant to a partnership collaborative of at least ten or more secondary schools from at least three school districts. The districts do not need to be contiguous.
- Consideration may be given to joint elementary and secondary collaborative projects consisting of at least ten or more elementary and secondary schools from at least three school districts. The districts do not need to be contiguous.

It is expected that all schools within the selected collaboratives will receive some portion of the grant funds.

Based upon review of the projects by the Minnesota Department of Education, additional funding may be provided to any of the grant award winning projects in fiscal year 1997. Funds are designated to support projects that begin November 15, 1995.

Scope of the Program

The following components describe the scope and intent of the instructional transformation through technology initiative. Proposals will be scored based on their alignment with these components:

Component 1. Enhancing Productivity.

- The development of creative model learning systems that employ the use of technology to enhance teaching and learning productivity and student achievement, consistent with the graduation standards established by the state, and which increase accountability for the educational enterprise through the use of corresponding reporting systems.
- The development of teaching and learning systems based on individual learner classroom teaching that can be aggregated into school, district, and state instructional information technology frameworks and which assist teachers in learning how to apply technologies in the classroom to increase learning productivity.
- The development of teaching and learning systems that help teachers with curriculum planning, and automate the scheduling of learning activities and production of progress reports for improved accountability of student achievement and needs assessment.
- The development of learning systems that enable the creation of personalized learning plans designed to give learners more responsibility for their learning success and which evolve the role of teacher from traditional instructional teaching methods to learning facilitator.

A major factor for consideration in the scoring of this component will be creativity.

Component 2. Collaboration and Partnership.

- Models involve partnership with a private business to develop and implement the application of technology in the classroom or develop a management information system that increases accountability for student achievement and success.
- Models involve a collaborative partnership with higher education, libraries, local government, and the community.
- Models provide a match of 20 percent of the requested grant amount in the form of allocated resources such as cash, hardware, software, peripherals, or teacher substitution. The matching resources must be directly related to project implementation.

Component 3. Replication and Dissemination.

- Model projects planned with the intent to replicate them within two years in all schools within the applicant collaborative.
- Participants prepared to assist other Minnesota schools in replication of successful projects.
- Participants prepared to work in collaboration with the Minnesota Department of Education to disseminate information on the project concept, evaluation, and other aspects of the project to Minnesota schools and national education institutions via the Internet, World Wide Web and other communication media.

Requirements and Selection Process

The Commissioner of Education shall establish an advisory panel consisting of teachers, other school district staff, and representatives of higher education and business to assist in the selection process. The Commissioner, in consultation with the advisory panel, will award grants to projects which meet the three components outlined above. In addition, the following criteria are applied:

1. Applicants must be collaboratives of at least ten or more Minnesota secondary schools from at least three school districts or at least ten or more Minnesota elementary schools from at least three school districts or a combination of at least ten or more elementary and secondary schools from at least three school districts. The school districts involved in the project do not have to be contiguous.
2. The proposal must include a brief, concise statement of the project goals and objectives and how the project relates to the development and implementation of the graduation standards.
3. The proposal must include a letter of support from each school district superintendent for the participating schools. The letter of support must acknowledge and specify the amount of matching dollars or other support which the district will commit to the project and demonstrate involvement in the development of the proposal.
4. The proposal must demonstrate that teachers from the participating schools were involved in the conception and development of the proposal.
5. The proposal must include a letter of support from each business partner for the participating schools. The letter of support must acknowledge and specify the type and level of support which the business partner will commit to the project and demonstrate involvement of the business partner in the development of the proposal.
6. The proposal must include a letter of support from library, higher education, local government, and community partners. The letter of support must acknowledge and specify the type and level of support which these partners will commit to the project and demonstrate the involvement of these partners in the development of the proposal.

State Grants

7. An estimated budget must be included which outlines anticipated expenditures for both state grant funds and collaborative match funds. The budget must also designate the school district which will serve as fiscal agent. Any hardware and peripherals purchased with state grant funds must be solely for the purpose of implementing the project.
8. The proposal must specify a resource match of 20 percent of the grant amount requested. Collaborative schools can pool resources or work with businesses, higher education, and local and community partners to meet the 20 percent match requirement. A concise breakdown of matched resources to be committed to the project must be included in the budget. Match funds provided by the collaborative may be used to purchase hardware. Hardware purchases made prior to the grant proposal cannot be applied as matching resources. Hardware purchased after the grant award for the purpose of implementing the project is allowable.
9. The grant proposal must be clear, concise and easy to read. Proposals shall not exceed 12 pages. Proposals must be single-spaced with a typeface no smaller than 12 pitch with one inch margins. Letters of support from school district superintendents and business partners will not be counted as part of the 12 page proposal limit.
10. The Minnesota Department of Education and representatives from higher education and other concerned entities will establish formal evaluation criteria for all grant recipient projects at the time of grant award. The grantee will contract with a higher education institution for project and grant evaluation, as specified by the Minnesota Department of Education. Twenty five thousand dollars (\$25,000) of the grant award is to be reserved for the evaluation process. All proposals must specify this \$25,000 commitment to evaluation in the project budget. Elements of the evaluation criteria will include, but are not limited to:
 - A. Timelines and performance indicators established for project components.
 - B. Progress in developing and implementing learner and teacher outcomes during the project period. Evaluation assessments stress improvements in student learning and achievement, staff development, and the progress in planning and recording individual learning plans via an automated system.
 - C. Documentation of key activities by proposal participants.
 - D. Use of evaluation findings to provide feedback to the grantee so that appropriate modifications can be made.
 - E. Sharing of evaluation findings among collaborative's partners and other Minnesota school districts.
 - F. Site visits by contract evaluator and others.

All proposals will be screened by Department of Education staff. Any proposal failing to address the specifications outlined in points 1 through 10 of this section, "Requirements and Selection Process" will be immediately disqualified and will not be reviewed by the panel or Commissioner.

Scoring

The contents of the grant proposals shall include a short, concise project goals and objectives statement. Points will be awarded as follows:

1. Definition for implementation of Component 1. 60 points
2. Definition for implementation of Component 2. 20 points
3. Definition for implementation of Component 3. 20 points

Contact Person(s)

Prospective applicants who have questions should contact:

Mary Mehsikomer or Theresa Mish
Minnesota Department of Education
Office of Information Technologies
Capitol Square Building, Room 937
550 Cedar Street
St. Paul, Minnesota 55101
Phone: (612) 296-2752
(612) 296-6312

Due Date

GRANT PROPOSALS MUST BE SUBMITTED TO MARY MEHSIKOMER AT THE ABOVE ADDRESS BY MONDAY, OCTOBER 23, 1995, NO LATER THAN 4:30 P.M.. PLEASE SUBMIT 15 COPIES OF THE PROPOSAL AND ONE CAMERA-READY COPY THAT WILL BE USED IF FURTHER DUPLICATION IS NEEDED.

Award Timeline

The Commissioner of Education will review grant proposals and announce awards by November 1, 1995.

Housing Finance Agency

Notice of Request for Proposals for Administrators for the Home Equity Conversion Counseling Program

The Minnesota Housing Finance Agency announces the availability of funding for the Home Equity Conversion Counseling Program. Proposal are hereby solicited from non-profit entities as defined in *Minnesota Rules* pt. 4900.0010, subpart 21, (including housing and redevelopment authorities) that have as a primary purpose assisting elderly persons in obtaining and maintaining affordable housing. Administrators may not be a part of or affiliated with a lender or a vendor of home equity conversion loans or products.

The Home Equity Conversion Counseling Program provides a grant for an eligible administrator to provide equity conversion counseling services to senior homeowners on a state-wide basis. "Home equity conversion" means plans where homeowners convert equity in their homes into spendable funds while retaining title to the homes. The funds do not have an obligation of immediate repayment. The applicant selected to administer the program must, at a minimum, perform the counseling services prescribed in *Minnesota Rules* pt. 4900.2040.

There is currently a \$50,000 grant available for the Home Equity Conversion Counseling Program. The grant is to provide a home equity conversion counseling budget for a two-year period, with \$25,000 available for the period between October 1, 1995 through September 30, 1996, and \$25,000 available for the period between October 1, 1996 through September 30, 1997. Only one grant recipient will be selected.

Proposals must include:

1. Documentation of applicant eligibility as an administrator as described above and under *Minnesota Rules* 4900.2050.
2. A description of the applicant's organization that demonstrates that the applicant is knowledgeable about home equity conversion, including reverse mortgage programs; has experience in counseling older persons on housing, including knowledge of alternative arrangements for older persons; and has knowledge of existing public benefit programs and other appropriate financial and legal resources for older persons.
3. A detailed description of how the proposed program would be administered, including qualifications of staff and proposed means of recordkeeping.
4. A detailed budget for the specified period showing all sources and uses of funds, including grant funds.
5. A description of the means that the applicant plans to use to provide outreach and counseling on a state-wide basis.

The deadline for receipt of hand delivered proposals is 4:00 p.m., September 15, 1995. All other proposals must be sent by certified mail and postmarked no later than September 13, 1995.

All proposals will be evaluated by the Agency in accordance with *Minnesota Rules* pt. 4900.2060. The Agency may enlist the services of individuals not employed by the Agency who are familiar with home equity conversion programs to aid in evaluating proposals received.

Complete proposal packets which contain specific information and instructions for proposal submission may be obtained from the Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, Minnesota 55101-1998, Attention: Autumn Schlegel, Minnesota Homes, Loan Administration Supervisor.

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Health

Cancer Control Section

Media Focus Group Research Related to Increasing Breast Cancer Screening Among Women (Age 50 Years and Older)

Purpose

The Minnesota Breast and Cervical Cancer Control Program (MBCCCP), of the Cancer Control Section, Minnesota Department of Health (MDH), is seeking proposals from agencies and organizations interested in competing for funds to conduct focus group testing of radio and print media messages related to increasing breast cancer screening among Minnesota women. The purpose of this marketing research project is to assist MDH in its efforts to conduct a cost-effective state-wide public information campaign regarding breast and cervical cancer screening.

Project Requirements

The proposed research project will include coordinating and conducting twelve focus group sessions of 8-10 women, collaborate with MDH Staff in developing and piloting testing questioning routes for focus group sessions, arranging and scheduling focus group sessions, recruiting age appropriate women in the metro and non metro areas, and preparing a final report. The bulk of the focus group sessions will be used to test the effectiveness of existing media messages and materials.

Duration

The proposed focus group research project is scheduled to take place during the period of November through December 1995. All data from the focus group sessions must be delivered to MDH within three weeks of completion of the project.

Eligibility

Applicants must demonstrate appropriate focus group research ability, facilities and experience. All applicants must demonstrate the administrative, organizational and fiscal capability to complete the project. Other desirable qualifications include experience with public health or public service projects and experience working with low income, underserved women in rural areas. Eligibility may be limited to governmental and non profit organizations.

Procedure for Grant Application

All applicants which meet the eligibility criteria outlined above are eligible to submit a proposal. The complete request for proposal packet is available upon request. Organizations submitting proposals are required to submit six copies of the completed proposal by 4:00 p.m., Monday, September 18, 1995 to:

Mr. Russ Varnado
Grants Manager
Cancer Control Section
Division of Disease Prevention and Control
Minnesota Department of Health
717 Delaware Street Southeast
P.O. Box 9441
Minneapolis, MN 55440-9441
(612) 623-5551

Department of Health

Cancer Control Section

Focus Group Research Project Related to Increasing Breast Cancer Screening Among Rural Minnesota Women (Age 50 Years and Older)

Purpose

The Minnesota Breast and Cervical Cancer Control Program (MBCCCP), of the Cancer Control Section, Minnesota Department of Health (MDH), is seeking proposals from agencies and organizations interested in competing for funds to conduct formative research (focus group testing) for the following project: identification of factors which facilitate and which factors act as barriers to regular breast cancer screening for women who live in rural Minnesota. The purpose of this focus group research project is to ascertain information about screening behavior among women who live in rural Minnesota. This research will be used as a part of a statewide effort to increase the proportion of Minnesota women who are screened for breast cancer in accordance with current American Cancer Society (ACS) guidelines.

Project Requirements

The proposed research project will involve coordinating and conducting six focus group sessions. Participants in focus group sessions must be females, age 50 and older. The contractor will recruit women for focus group sessions from a list provided by MDH staff, develop and test the questioning route for focus group sessions, and prepare a final analytical report based on findings from this research.

Durations

The proposed research project is scheduled to take place during the period of October through November 1995. All data from the focus group sessions must be delivered to MDH within three weeks of completion.

Eligibility

Applicants must demonstrate appropriate focus group research ability, facilities and experience. All applicants must demonstrate the administrative, organizational and fiscal capability to complete the project. Other desirable qualifications include experience with public health or public service projects and experience working with low income, underserved women in rural areas. Eligibility may be limited to governmental and non profit organizations.

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Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Council

Notice of Request for Proposals for Consulting Services

The Metropolitan Council is requesting proposals for technical and professional services for designing, conducting, analyzing, presenting and preparing a report on the results of a specialized public opinion survey of aircraft noise impacts around Minneapolis-St. Paul (MSP) International Airport. This survey will consist of three parts — design, conducting field work and analysis. Proposals may be made for one or all three parts of the work effort. A team may be established from amongst the proposers if the Council deems it necessary.

The purpose of this effort is to identify aircraft noise mitigation alternatives desired by affected neighborhoods/communities. This assessment will provide information for use in developing recommendations concerning land-use compatibility and operational changes at MSP International Airport.

It is anticipated that the project will be funded by the Metropolitan Council, Metropolitan Airports Commission and the communities of Bloomington, Eagan, Minneapolis and Richfield. The project will commence around September 15, 1995 and be completed by November 30, 1995.

One copy of the proposal should be submitted by 12 Noon, September 11, 1995, to the Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101, attention: Debra Sorenson Nelles. Copies of the RFP are available by calling 612/229-2716 or 612/291-0904 (TTY).

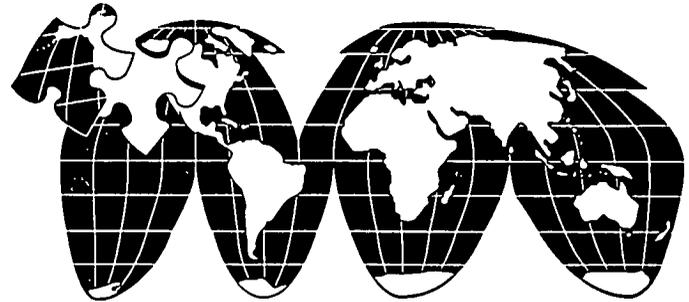
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A Basic Guide to Exporting

Learn the costs and risks associated with exporting and develop a strategy that includes 10 keys to export success. Guide walks you through strategy, market research methods, channels of distribution, contracts, pricing, and much more. Extensive listing of resources included. 155pp. (U.S. Commerce, 1992)
Stock No. 16-69 \$9.50

Exporter's Guide to Federal Resources for Small Business

This great resource reference summarizes agency programs and identifies key personnel and field offices, including Department of Commerce contacts for each country. Annotated bibliography. 122pp. (U.S. Small Business Admin., 1992)
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Uniform Standards of Professional Appraisal Practice

Clearly details 10 basic standards and applicable standard rules for professional appraisal. Includes advisory opinions for assistance in interpreting standards in specific situations. 102pp. (Appraisal Foundation, 1994)
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Mortgage Registration Deed Tax Manual

The MR/DT Manual is the central source of information for interpreting and administering the mortgage registration and deed tax laws in Minnesota. Details basis and rate of tax, mortgages subject to tax and those exempt, regulations for payment/receipt of the tax, and more. Includes sample cases taxable/exempt mortgages. Looseleaf with subject/chapter tabs, 310pp. (Revenue, 1988) Stock No. 10-24 \$29.95

MR/DT Supplement--

Additions to the manual since 1988. REQUIRED for complete information/regulations. 148pp. (Revenue, 1992) Stock No. 10-24s1 \$18.95

Please Note: BOTH the Manual AND the Supplement are required for complete, current information.

Handbook for Municipal Officials

Manual for understanding the application of MN Statutes and Rules governing the design profession in the State of Minnesota. Reviews exemptions to regulation and includes common questions and answers. Also includes listing of expected documentation for code submissions. 19pp. (MN Bd. of Arch./Eng./Land Surveyors/Land Arch./Interior Design, 1990) Stock No. 10-2 \$4.50

Accessible/Usable Buildings & Facilities

In response to the Americans with Disabilities Act, this manual provides recommended standards for accessible buildings and spaces. Extensive tables and figures illustrate design elements. CABO/ANSI-A-117.1 and UBC Chapter 31 and appendices. 95pp. (Amer. National Standards Inst., 1992) Stock No. 19-2 \$35.00

ASHRAE Standard: Ventilation for Acceptable Indoor Air Quality

Details the minimum ventilation rates required to meet indoor air quality standards. 26pp. (Amer. Society of Heating/Refrig./Air Cond. Engrs., 1991) Stock No. 19-103 \$42.00

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